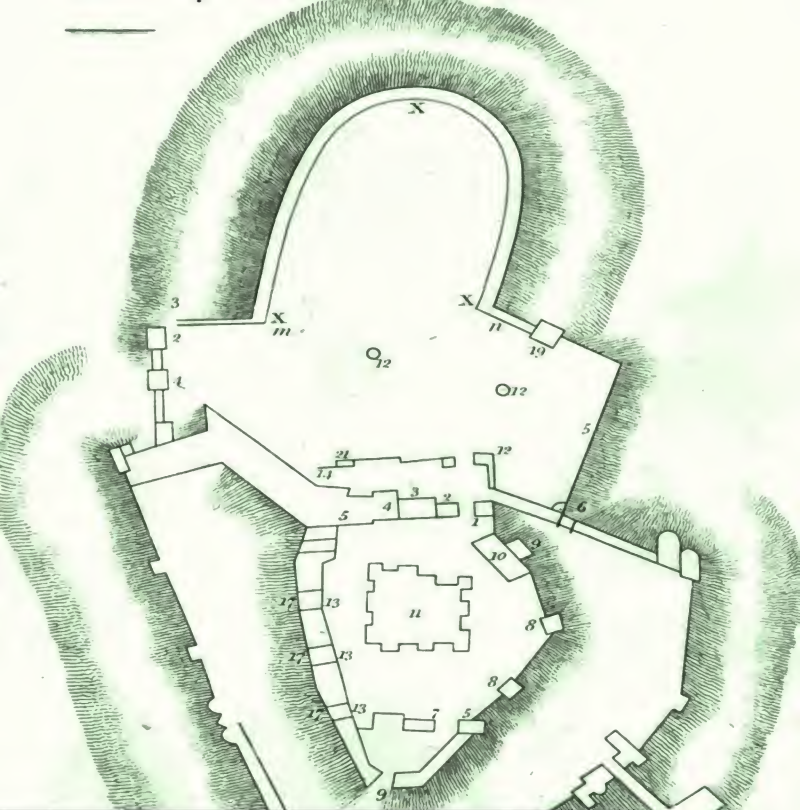


The History of the Town and Port of Dover and of Dover Castle

John Lyon



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John Lyon

THE HISTORY
OF THE
TOWN AND PORT OF DOVER,
AND OF
DOVER CASTLE;
WITH A
SHORT ACCOUNT OF THE CINQUE PORTS.

BY THE REVEREND JOHN LYON,

MINISTER OF SAINT MARY'S, DOVER.

IN TWO VOLUMES.

VOL. II.

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1814.



TO
JONATHAN OSBORN, EDWARD THOMPSON,
AND
JOHN SHIPDEM, Esquires,
OF
THE TOWN AND PORT OF
DOVER,

THE CHIEF PROMOTERS FOR PRINTING THIS WORK, AND WITHOUT WHOSE EXERTIONS IT WOULD
NOT HAVE MET THE PUBLIC EYE,

THIS VOLUME IS INSCRIBED,

WITH THE GREATEST SINCERITY AND RESPECT,

BY

THEIR MOST OBEYANT AND FAITHFUL,

HUMBLE SERVANT,

THE AUTHOR.

Dover, 21st April, 1814.

CONTENTS.

CHAP. I.

	PAGE
<u>The Castle Hill described. Shakespeare's description of the Cliffs at Dover.</u>	
<u>Antiquity of the Castle. Observations on Julius Cæsar's expeditions.</u>	
<u>He did not build the Castle.....</u>	1
<u>The Roman Fortification in the Castle.....</u>	20
<u>The old church in the Roman Fortification.....</u>	26
<u>The Saxon ground works, with the walls and towers afterwards erected upon them.....</u>	46

CHAP. II.

<u>The Norman works. Their plan of defence. The prison. The Constable's and Marshal's authority. The towers, and a short narrative of the persons who kept ward in them.....</u>	81
--	----

CHAP. III.

<u>The annals of the Castle, or a relation of the visits of the Royal, and other Great Persons, who have been to the Castle at different times; the business they transacted, and other miscellaneous matters.....</u>	170
--	-----

CHAP. IV.

<u>List of the Constables of Dover Castle, and the Wardens of the Cinque Ports, with a short sketch of their connexions, and of the most particular incidents in their lives.....</u>	192
---	-----

THE CUSTOMALS.

<u>The Customal of Dover.....</u>	267
<u>Sandwich.....</u>	287
<u>Romney.....</u>	312
<u>Rye.....</u>	344
<u>Winchelsea.....</u>	370

ADDITIONAL CORRECTIONS IN VOL. I.

- Page x, line 15, for *corporal*, read *corporate*.
 xxxix, in the proportion of men to be found for Tenterden, read 25; for Deal,
 43; and omit the note at the bottom of the page.
 20, line 12, for 1588, read 1683.
 21, line 11, for 1752, read 1762.
 43, line 21, for *Dalfridus*, read *Galfridus*.
 116, line 28, for *is*, read *it*.
 137, line 13, for 1704, read 1764.
 156, line 14, for *stones*, read *stores*.
 217, line 9, for 1678, read 1378.
 253, line 5, from the bottom, for *were*, read *where*.
 268, line 15, for *that*, read *then*.
 271, line 14, for the water, read *on the water*.
 279, line 3, from the bottom, for *rose*, read *put*.
 286, line 11, from the bottom, for *pail lootes*, read *pill-lootes*.

CORRECTIONS IN VOL. II.

- Page 14, line 11, for *Cassivelans*, read *Cassivelan*.
 48, line 12, for *adopted*, read *adapted*.
 51, line 21, for *he*, read *the King*.
 199, line 7, for *Richard*, read *William*.
 222, line 25, for *was joined*, read *Basset was joined*.
 318, line 5, for *suspected*, read *suspected*.
 319, line 24, for *ease*, read *case*.
 344, line 8, for *comonalty*, read *commonalty*.
 57, 58, 60, and 61, the references should be to plate ix, instead of plate x.

DIRECTION FOR THE BINDER.

The pages 145 and 146, at the end of this volume, are intended to cancel the same pages in the first volume.

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THE

HISTORY OF DOVER CASTLE.

CHAP. I.

The Castle hill described. Shakespeare's description of the cliffs at Dover. Antiquity of the Castle. Observations on Julius Cæsar's expeditions. He did not build the Castle.

In turning over the pages of monkish chronicles,¹ which contain the most early accounts of this Castle, it may be seen, that many of them were satisfied with recording the traditions of their ancestors, and in saying what others have said before them, without ever surveying the ground-works and the masonry on the spot, and comparing their observations with the annals of passed times. This has been one of the principal reasons, why the origin of this once important fortress, has remained so many ages obscured, in the mist of error and fable.

¹ Dugdale's Monast. vol. 2. p. 1, Norman French.—Cot. Lib. Vesp. 7, folio 72.—

MMS. Chron. Lat.—Camden, and various others.

The summit of the Castle hill is formed by nature for a place of defence; and it is very probable, that it first attracted the notice of the ancient inhabitants of Britain, and they had one of their strong holds upon it, which they occupied, until they were dispossessed of it by the Romans.

The upper part of this hill may be considered as a kind of peninsula; as there is a deep valley on the south-west, and another on the north-east side of it; inclining from the cliff on the east, and the shore on the south-west, until they nearly meet, and they are separated only by a narrow track of ground, on the north part of the Castle.

When Julius Caesar made his first descent upon our island, the waves washed the foot of the perpendicular cliff, fronting the sea, which is about 280 feet above the level of low-water mark. Shakespeare, in his play of King Lear, has drawn, with his inimitable pencil, a description of the cliffs at this place, where he says,

“ Come on, Sir, here’s the place; how fearful
And dizzy ’tis to cast one’s eyes so low!
The crows and choughs, that wing the mid-way air,
Seem scarce so gross as beetles. Half way down
Hangs one that gathers samphire; dreadful trade!
Methinks he seems no bigger than his head.
The fishermen that walk upon the beach
Appear like mice, and yon tall anchoring bark
Diminished to her cock; her cock a buoy,
Almost too small for sight. The murmur’ing surge,
That on th’ unnumber’d pebbles chafes,
Cannot be heard so high. I’ll look no more,
Lest my brain turn, and the diminish’d sight
Topple down headlong.”

The extensive and remarkable pile of ruins remaining on this elevated situation, and which have so often employed the pencil of the artist, and arrested the attention of the traveller, are very far from

being of equal antiquity. The exterior walls, which by estimation, enclose thirty acres of land, are modern, when compared with some of the interior parts of the Castle.

If the original ground-works had been left unaltered, and the masonry had been suffered to moulder away, under the gradual decay of time, the national characteristic style of fortifying and building, used by different people, and at very distant periods, might still have been clearly traced, by the scientific inquirer seeking information on the spot.

The connecting parts of these ancient ruins have been entirely demolished, since the year 1780. The reforming system, which was introduced in the American war, to modernize an old fortification, has been carried to such an extent, during the war with the French republic, that it has entirely changed the aspect of the interior part of the Castle.

If plans had not been taken of the Roman and Saxon fortresses, prior to their putting their mutilating system into execution, the original ichnography of the Castle would never have been traced again; nor would it ever have been sought after, by those who adopted the monkish tale of Julius Cæsar's having built the Castle.

As there are many strongly attached to ancient traditions; and others, who had much rather implicitly believe the tales of their forefathers, than be at the trouble of investigating a remote and dark period of our history, it may be necessary to have recourse to Julius Cæsar's own narrative of his expeditions to our island; and to examine whether the opposition he met with, the damages he sustained in his fleet, the difficulties he encountered, and the time he employed in contending with the natives, could leave him at liberty to fortify the Castle hill at this place, with such extensive walls, and so many towers.

In the fifty-fifth year before the Christian æra, the Romans made their first descent upon our island; and, it has been supposed, that it was some time in August. When Julius Cæsar arrived on our coast with his fleet, he cast anchor in a bay, where the sea was confined between two hills, and there he intended to have landed his men; but he

was opposed by the natives, on their high and bold shores. By his description of the place, he first anchored his ships in the valley, where the old town of Dover was afterwards built, when the sea had withdrawn itself from it. Cæsar, seeing the resolution of the Britons, and being unwilling to land his men in the face of danger, in a country he was unacquainted with, held a consultation with his officers on board his own ship. The result was, a change of measures. They weighed anchor, and sailed about seven miles further, with the wind and tide in their favor, and they brought up their ships near an open and a level coast. At that time the sea formed a capacious bay, between the Isle of Thanet, and the cliff near Walmer Castle, and where we now have considerable space of land and sand hills, between Richborough, and the present shore. There was also a large estuary between Thanet and East Kent, with a sufficient depth of water for ships to pass in at Richborough, and out at Reculver, without going round the Foreland to London.

The south-west part of this bay, was the first flat shore to the northward of Dover, where Julius Cæsar could bring up his ships, after he had quitted his anchoring place in the valley. The distance between the two bays, corresponding with the number of miles Cæsar sailed by estimation, has led many of our historians and antiquaries to suppose, that the Romans landed on the present coast, between the town of Deal, and Walmer Castle. The remaining traces of a ground-work, which was probably cast up by the parliament forces, when they came to attack the castles on the coast, have been considered as a corroborating proof of it; and they have been called Cæsar's works; though it is clear, from the most ancient description we have of the shore, from a survey of a more recent date, and from the present appearance of the face of the country, that, at the time of the Romans making their first hostile attack upon our island, the very place which has been assigned for their landing was then under water.

If we can depend upon Cæsar's own narrative of his expedition to Britain, he did not land his men on the flat and open shore, where he first brought up his ships; for as they approached towards it, they met with such a rigorous opposition from the natives, that the Roman soldiers would not face them; and they were ordered back to their galleys.

Cæsar, observing the determined resolution of the Britons to prevent his landing, and fearing that his opposing force to force might be attended with a considerable loss of men, changed his plan, and ordered the galleys to be rowed to a place where they could flank the natives. This stratagem succeeded, and the Britons were repulsed. The skirmish happened before the Romans landed, near a place where there was a sufficient depth of water, for the galleys to pass the front line of the Britons, or the Roman soldiers could not have flanked them. This advantage was gained, by the galleys entering the large estuary, which emptied itself into the sea, near where the Romans afterwards built a castle, and called it Rutupia. Though the sea has long since receded from its ancient limits; yet, by attending to the face of the country, to Cæsar's own narrative of his expeditions, and by comparing them with the ancient description of the coast, it cannot fail of leading us nearly to the spot where he gained his first victory.

* He tells us, that he sailed from the most commodious port, in the province of the Morini, which was the nearest passage to Britain.* This port was at Bolougne, and thirty miles from the point of land at Dover. If to the distance he afterwards sailed by estimation, he added the setting of the current, and the space which the men rowed in their galleys, before they repulsed the Britons, there will be full forty miles, between the place of his embarkation, and that of his landing in our island, as mentioned by Strabo. He also passed the

* Cæsar de Bell. Gall. lib. 4, c. 5.

* Lib. 4, c. 21.

promontory recorded by Dion Cassius, which at that time projected into the sea, near Walmer Castle.

The Romans, having made good their landing at Rutupia, fortified their camp on the high ground, near the shore. The natives, after having observed their mode of defence, and finding that they were incapable of resisting their enemy in the field, found it would be prudent to sue for peace. They sent Comius, of the Attribates,¹ whom they had seized as a spy at his landing, with their deputies, to Cæsar, to conclude a treaty, which they determined to break when it suited their purpose. The articles were concluded on the fourth day after his landing; and in the evening there was a full moon, and a high tide, which filled several of their galleys with water, and injured some of their ships,² and the morning dawned with such a gloomy prospect, that it caused a murmuring through the whole camp.

The natives beheld, with a secret pleasure, the distresses of the enemy; and they concluded, that the favorable moment was arrived, to check the invaders of their country. They assembled, and attacked the seventh legion, which were sent out to forage; and if Cæsar had not afforded them assistance from his camp, they would have been made prisoners.

While the Romans were employed in refitting their ships, the natives were collecting their forces, in the maritime states, to oppose them; but they were soon repulsed, and pursued by the Romans, as far as they judged it prudent to venture from their camp.

After this defeat, the natives had recourse again to treaty, and new deputies were sent to sue for peace. Their petition was readily granted by Cæsar,³ on the condition, that they would send him double the number of hostages he at first required.

The Romans were apprehensive for the safety of their ships, as it was near the autumnal equinox, and they were ignorant how high the

¹ Cæsar de Bell. Gall. lib. 4, c. 27.

² Lib. 5, c. 29.

³ Lib. 6, c. 26.

tide might rise. Being in this precarious situation, Cæsar ordered his men to embark, without waiting for the hostages, and he commanded the Britons to send them after him.

The placing of the Roman eagle on the British shore, was gratifying to the ambition of Julius Cæsar; and he determined to pursue his plan of subjugating the people to the Roman yoke. While he was regulating his continental affairs, he was meditating a second expedition to Britain.

'This was undertaken in the fifty-fourth year before the birth of Christ; and it has been supposed, that he arrived here more early in the summer. Cæsar had reason to expect, from what he had experienced, that the Britons would oppose him; and he fortified his camp, before he quitted the coast. While the Romans were going on with their works, they observed several of the natives watching their motions; and some of them, by imprudently advancing too near, were taken prisoners. From them they learned, that the natives were assembling their forces not far from their camp.'

This information made Cæsar resolve to attack them, before they could collect a sufficient force to oppose him with effect. He marched in the night; and, according to several of our historians,¹ he found they had taken possession of the high ground, on the opposite side of the river Stoure, near Fordwich, and were ready to dispute the passage with him.

This account neither agrees with the face of the country, nor with Cæsar's description of it; but because it is about twelve miles from his camp on the shore, our historians have considered it as the place where he contended with the Britons for the passage cross the river. Though the natives had the advantage of the ground in their favor, they were repulsed, and they fled to their strong holds in the woods,

¹ Cæsar de Bell. Gall. lib. 5, c. 7.

² Lib. 5, c. 8 and 9.

³ Speed, p. 84.—Rapin, p. 12.—Horsley's Brit. p. 14.

near the ford, which some have supposed, were near the present site of the city of Canterbury.

The Britons, being driven from their fastnesses by the seventh legion, retired into swampy places, where the heavy armed infantry of the Romans could not follow them. As the day was far spent, and they were strangers to the country, they determined to encamp on the ground during the night, where they had gained the victory.

There are several objections to be offered to this supposed rapid movement of the Romans, so far from their camp on the shore as the city of Canterbury, which cannot be removed, by having recourse to the stations in Roman Britain, after they had conquered the island. Julius Cæsar had a country to traverse, which had never been intersected with roads, made by the labour of man; nor had the hand of industry checked the wild and luxuriant growth of trees, bushes, and vegetables, excepting in a few places in the maritime parts of Kent. As the natives could not face the Romans in the open plain, they retired to the margin of a great river; and they were followed by the enemy in their winding war tracts, through places, where a direct path was impracticable, in a country nearly in a state of nature. The low grounds, in the neighbourhood of large rivers, were not only encumbered with trees, with spreading branches reaching to the ground; but there were others, blown down by tempests, and left to decay as they had fallen, in different directions; and their winding paths turned to the right or the left, as obstacles presented themselves.

There were then, as there still are now in all uncultivated countries, near large rivers, clusters of bushes, climbers, and swamps, to impede an army, in pursuing the natives to their concealments. But Cæsar had another difficulty to surmount, before he could reach the river Stoure, near Canterbury, at twelve miles distance from his camp, in a direct line.

¹ Smith's *Journey in America*, vol. 1, p. 138.

The fruitful valley, in which we now find the villages of Littlebourne, Beakesbourne, Patricksbourne, and Bridge, at the time of Julius Cæsar's expeditions, was a considerable branch of the large estuary, leading through the central vale from Rutupia to Ashford. In the reign of Edward the Third,¹ this branch had a sufficient depth of water to float one of their ships of war. He granted the privileges of the Cinque Ports to the inhabitants of Beakesbourne, by a special writ, for providing him a ship. Richard de Beches held lands by grand serjeantry, for furnishing Henry the Third with a ship, every time he crossed the sea.

This branch was the first river the Romans forded; and the natives had posted themselves on high land, on the opposite side, to dispute their passage.

If it be admitted, that Cæsar has left us a faithful description of the country,² the place where he forded the river was near the village of Littlebourne. There could not have been a ford nearer his camp; and if he had marched more to the left, there would have been high land on both sides of the valley. He must have taken a very different route to have reached Fordwich, without fording this branch of the estuary.

There is but little stress to be laid on what he says of the distance they marched; for he measured the space by the number of their steps, in a winding path, and not in a direct line from the camp on the shore. While Cæsar was preparing to penetrate further into the country, a messenger arrived from Q. Atrius, to inform him, that his ships had received considerable damage, during a storm the preceding night. As their personal safety depended upon the preservation of their ships, Cæsar countermanded his orders, and returned to his camp on the shore. There he had the mortifying prospect of

¹ Phillipot's Hist. of Kent.

² Cæsar de Bell. Gall. lib. 5, c. 8.

³ Ibid.

seeing many of his ships wrecked, and others materially damaged; and for fear of losing the remainder, they with great difficulty drew them on shore. Some of the ships they repaired, and Labienus was sent to Gaul for a reinforcement of the fleet.

This business detained the Romans ten days on the coast; and if two days are allowed for his marching and counter-marching, he had spent twelve days, without having had any time to build Castles.

While the natives were viewing, with satisfaction, the difficulties the Romans had to encounter, they were not inattentive to their own dangers; for they assembled a congress of deputies from the maritime states, to devise some plan for their common safety.

The result of this deliberation was an union of interest and of power; and Cassivelaun was appointed commander in chief to conduct the war. His territories were separated from the maritime states by a river, called the Thames; and he had been some time engaged in a war with the inhabitants on the sea coast.

As the course of the present Thames never divided the maritime from the interior parts of the county, Cæsar has either left us a very imperfect description of the country he passed over, or some material change has taken place since his time. To make him consistent with himself, a river must be sought for, which separated the territories of Cassivelaun from the maritime states.

As the natives on the coast so readily united under a person they were at war with, his residence was either near the seat of action, or he was there with his army, and ready to make a treaty, to oppose the common enemy.

If it be supposed that Cassivelaun was on the Surry side of the present Thames, and near London, there were many natural impediments to prevent such a speedy junction. The sending a messenger sixty or seventy miles, through an uncultivated country, intersected by two large rivers, would certainly have retarded the business. Cassivelaun might have suspected the truth, and have considered it as a

stratagem, to draw him and his army into an ambush; and he might have required hostages, before he quitted his own territories.

But admitting that every scruple was removed by the messenger at his first interview, and his men were ready to take up their weapons at the shortest notice, still they had a long and a difficult country to pass through, before they could join the maritime states, to oppose the enemy at the passing of the ford. Whether Cassivelaun's territories were on the Surry side of the present Thames, or near the coast, he was ready to dispute the passage through the river; but he soon found that he could not contend with the Romans in the field; and he ordered his men to retire to their strong holds in the woods and swamps, and to act on the defensive. Such of the natives as were disabled with age and infirmities, and all the cattle, he directed, should be sent forward, and probably to the ford, leading to his own territories.

The Romans seeing the Britons on the hills in small parties, Cæsar sent C. Trebonius, with a foraging party; and he was unexpectedly attacked by the natives, but they were soon dispersed. After this defeat Cassivelaun retreated towards the ford, and Cæsar followed him.

Before the route of the Romans can be determined, the course of the river must be traced, which separated the maritime from the other states in Kent. The large estuary already mentioned, occupied the whole central vale as far as Ashford, and it was formerly known by the name of the 'Thames.*' It was formed by the influx of the sea at Richborough and Reculver, the Rutupia of the Romans. It was called the Wantsum by Bede, and the Thames by Stowe; and several of our his-

* Cæsar de Bell. Gall. lib. 31, c. 11.

* Stow's Survey of London, p. 38; the City has right of the river Thames to Yenlade and the Reculvers, 29th Eliz.—R. Higden's Polychronicum. lib. 1, p. 196; Tamisia apud Sandwicum portum labitur in mare.—Gul. Malm.—Battley's Antiq. Rutap. p. 71.

torians have mentioned it. Many local proofs have been discovered in the valley, of the sea having had a passage through it.

The workmen, in digging near Richborough, not many years since, after passing through the soil deposited there by the water, came to a regular stratum of sand;¹ upon which they found shells, fuci; the purse of a thornback, and a small shoe, with an ancient fibula in it. In digging in the valley near Chartham, in the year 1688,² they discovered the bones of a large animal, seventeen feet under the surface, and twelve rods from the present stream, in a bed of soil, similar to what is found at the bottom of bays near the shore. Anchors, sea shells, and a variety of marine productions, have been dug up in the valley leading to Canterbury.

³ Solinus, the geographer, mentions, that the Isle of Thanet was separated from the main land by an arm of the sea; and Battley considered it the same place which he and Bede had described.

This river was navigable long after the Romans had quitted our island.

⁴ Turkillus, the Dane, came with his fleet into this estuary, and Harold entered it with his ships at Richborough, and passed out at the north mouth, at Reculver, on his passage to London.

⁵ This was the river which, in the time of Julius Cæsar, separated the maritime from the other states in Kent; and he was obliged to ford it, before he could enter the territories of the British chief; and there was no other river but the Medway, which flowed in the direction he mentioned; but this entirely separated the maritime states, if it be admitted that there was a third inlet of the sea, near the Isle of Oxney, which flowed up, and met the other near Ashford.

¹ Mr. Boy's Coll. p. 865. ² Phil. Trans. Abridged, part 2, p. 222.

³ Battley's Antiq. Rutup. p. 6.

⁴ Hist. Ingulph. p. 56.—Chron. Malms. p. 154.—Chron. Sax. A. D. 1052.

⁵ Somner's Roman Ports.

' When the sea covered Romney Marsh, there is nothing improbable in its having flowed up near Ashford; and if it did, it entirely insulated the maritime states, as related by Cæsar. This may be considered by some as an hypothetical conjecture, and if it is, it has consistency to support it; which is much more than can be said, in making the Romans ford a river, flowing in a different direction to what their general described it. That the present Thames could not be the river, nor Coweystakes the place where the Roman army forded it, is clear, if there can be any credit given to historians; for within a hundred years after the departure of the Romans from Britain, the natives built a bridge over the Thames, near the sea, according to Dion Cassius. Those who know any thing of the progress of the arts in our island, will not allow that the Britons were equal to the task in this early period of our history.

As we cannot reconcile impossibilities, it will be necessary to consider, what changes time may have wrought in this central vale, in the course of a few centuries.

By the currents setting in opposite directions in the three openings with a flowing tide, and meeting near Ashford, they naturally formed a ridge of adventitious matter at their junction; and, at the time of Julius Cæsar's invasion, might have rendered the river fordable near that place.

If the natives drove stakes there, to impede the progress of the Romans, they stopped such bodies as were driven to them by the stream; and this would considerably forward the operation of nature, in separating the currents. The two streams setting in from Richborough and Reculver, and intersecting at a point of land called Sarr, in Thanet, in their progress towards Canterbury, gradually formed another bank near the shore.

' Dr. Willis's Paper, see Phil. Trans.

When the sea was much agitated, it brought in, with a flowing tide, a large quantity of soil; and as soon as it was embayed, and became tranquil, it was deposited over the whole space of the river, and in a course of time considerably narrowed it.

'As the sea gradually quitted its ancient boundaries, on both sides of the estuary, the natives might, by embanking, in the course of a century, have built a bridge over the river, in their rude manner, near Canterbury.

To admit that they could have built a bridge over the present Thames, or the Medway, near the sea, or that Cæsar followed Cassivelaun to the low and swampy grounds of Middlesex and Surry, would be relating a series of events, which appear impracticable, and partake too much of the marvellous.

After Cassivelaun had quitted the maritime states, and returned to his own territories, where he was followed by Cæsar, his orders were executed by the natives on the coast with much greater dispatch, than they could have been, if he had retired to the Surry side of the Thames. Cassivelaun, from his hiding places in swampy grounds,¹ sent messengers to Cingetorix, Carnilius, Taximagulus and Segonax, all leaders of tribes in the maritime states of Kent, directing them to collect their forces, and to attack the Roman camp on the shore. The orders were received, and obeyed; but, either through want of skill to direct in the leaders, or inferiority of force, or courage in the men to execute, they failed in their enterprize, and were repulsed with considerable loss, and Cingetorix was taken prisoner.

If Cassivelaun sent his messengers from the Surry side of the present Thames, they had the whole county of Kent to traverse, from west to east, through large forests, full of impediments; and if they were obliged to go round the source of the Medway, their journey would have been long and intricate; and if they passed that river by swim-

¹ Dion Cassius, lib. 60.

² Cæsar de Bell. Gall. lib. 5, c. 22.

ming, they could not take any common path, for fear of meeting the enemy.

When every transaction is considered, Cæsar could not have been less than a month in our island, and by the narrative he has left us, his campaign was not half finished.

Our historians have been led into several errors, which have perplexed Cæsar's account of his expeditions, by following the Roman geography in Britain, after they had built castles and towns, and fixed stations, according to Ptolomy, Antoninus, and Richard of Cirencester. Their description of Roman Britain had but little connection with Cæsar's march in Kent; for after the natives had made a bridge over the Thames, near the sea, their road into the interior part of the country was changed. If any light can be cast on this dark part of our history, it must be by attending to Cæsar's own account of his expeditions, for he certainly knew the different tribes he mentions as settled in Kent in his time.

Before Cæsar sailed from the continent, he sent over Comius, whom he had made King of the Attribates, a people he had conquered in Artois; and from whom he had learned, that a detachment had separated from them, and crossed the channel, at a very remote period, in the hope of bettering their fortune.

Though it was uncertain when this emigration took place, Cæsar judged, that the King of their parent tribe might conciliate their minds, and incline them to favor his landing. If the Attribates had not been settled near the Belgæ, the Trinobantes, and the Cantii, in the maritime states, it would have been a wild and inconsistent scheme, to have sent over Comius to them. If he had been the leader of an independent tribe, settled in Berkshire at that time, as some have said, how came Cæsar to know any thing of his courage and his fidelity? or is it within the verge of probability, that the King of an independent

¹ See Kennett, Camden, Whitaker, and others.

tribe, settled in the interior parts of the Kingdom, would resign his power, and risk the receiving it again from the hand of a stranger?

If the Attribates had not been settled in Kent, at the time of Cæsar's invasion, it could not be supposed, that Comius could have penetrated so far into the country as Berkshire, when C. Volusenus, who was sent by Cæsar on a similar errand, was not suffered to land on the coast.

There is but little known of the Kentish Belgians, and it is doubtful whether they submitted to Cæsar under that name. They had probably quitted their national appellation, and assumed the name of Segontiaci, from Segonax, their leader. In the infant state of society, it was common for a tribe of warriors to take the name of a commander, whose valour they had tried, and under whom they had fought, and conquered.

The Trinobantes were another tribe mentioned by Cæsar, which appear to have been settled in the maritime states; for he marched through their territories. They had been recently engaged in war with some of their inferior tribes; for Cassivelaun had slain their leader, and Immanuentius, and his son Mandubratius, were obliged to save themselves by flight.

Cæsar, in order to ingratiate himself with the vanquished tribe, put them in quiet possession of their territories, and placed Mandubratius at the head of them, upon their giving hostages for their good faith, and on condition, that they would supply him with a certain quantity of corn.

The grain they promised was soon provided; which could not have been done, if the Trinobantes had been settled in Middlesex, or at any great distance from the Roman camp. They belonged to the maritime states, by their having corn, for they did not grow it in the interior part of the country.

¹ Bryant's Mythology.

² Cæsar de Bell. Gall. lib. 5, c. 14 & 17.

The Cantii took their name from their situation, which was on the promontory, or eastern part of the county. The favorable reception which the Trinobantes experienced, encouraged the Cenimagni, the Segontiaci, the Ancalites, the Bibroci, and the Cassii, to send messengers to Cæsar, to propose terms of submission. These are all the different tribes which submitted to him; and if the extent of their territories be considered, as they have since been settled in the different itineraries, we may judge whether Cæsar's conquests could be so extensive as they are there described.

*The Trinobantes.**

Essex, and Middlesex, have been assigned to them, and London their principal town.

The Cenimagni.

This tribe submitted to Cæsar, and it has had different appellations. He called them Cenimagni; Ptolomy, Lemeni; Antoninus, Icari; Richard of Cirencester, Cenomanni and Cenimanni. Their territories were extensive, if they had, in the time of Julius Cæsar, the counties of Suffolk and Cambridge; the north of Bedfordshire, to the Ouse on the south; and the south of Northamptonshire, to the Nen on the north; and the whole of Huntingdonshire and Norfolk. Norwich was their principal town.

The Segontiaci.

There is but little known of this people, nor is it quite certain from whence they derived their name. It has been supposed, that they inhabited a part of Berkshire, and the northern division of Hampshire, and Silchester was their principal town.

* Camden's Brit. p. 365.—Baxter's Gloss. p. 230.—Whitaker's Manchester.—Henry's Hist. of Eng.
—Ptolomy, Antoninus, Richard of Cirencester, and others.

The Bibroci.

This people retained the name of their parent tribe, the Bibroci, of Gaul; and they probably gave the name of Bibrox to their principal town. It has been said, that they were settled first in Buckinghamshire; but their fierce and warlike spirit soon led them to extend their narrow boundaries; and they subdued the Regni, and obtained the counties of Sussex and Surry.

The Cassii.

This tribe has been known by different names. It has been said, that, prior to the Romans visiting Britain, they possessed the adjoining parts of Hertfordshire, Bedfordshire, and Buckinghamshire; but being restrained for room, they afterwards seized the counties of Middlesex and Essex, the south of Gloucestershire, and part of Warwickshire; and then, over-running the territories of the Dobuni, they made their chief town at Camulodonum, or Colchester, in Essex.

If these several tribes submitted to Juilus Cæsar, and they had at that time the extensive tract of country assigned to them, the following particulars will place his conquests in a correct point of view.

The Cenimagni—possessed Norfolk, Suffolk, Cambridgeshire, Huntingdonshire, with the north parts of Bedfordshire and Northamptonshire. Chief town, Caster, near Norwich.

The Segontiaci—part of Berkshire, and the north part of Hampshire. Chief town, Vindonum, or Silchester.

The Ancalites—Oxfordshire, and the greatest part of Buckinghamshire.

The Bibroci—Sussex, Surry, and the south-east part of Berkshire. Chief town, Novimagus.

The Cassii—Hertfordshire, a part of Bedfordshire, and a part of Buckinghamshire; Essex, and Middlesex, from the Trinobantes; the south and north part of Gloucestershire, Warwickshire, the south-west

part of Worcestershire, Oxfordshire, and a part of Buckinghamshire, from the Dobuni.

Supposing the tribes which submitted to Julius Cæsar were situated in his time, as, it is supposed, they were two or three centuries later, then the extent of his conquests in Britain were from Richborough, in Kent, to Norfolk, on the north-east; to the Anderida of the Britons, on the south; to Oxfordshire, on the west; and Northamptonshire, on the north, including the intermediate counties.

If the leaders of the combined forces, assembled under Cassivelaun, were struck with a panic, and were anxious to submit to Cæsar upon any terms, neither the Cenimagni, from Norfolk, the Bibroci, from Sussex, nor the distant tribes, from the north and the west, had any thing to fear from him. Why should they have been in haste to deliver up themselves, and their liberties, to the Romans? They knew that the equinox was approaching, which would hasten their return to the continent; or, if they should continue longer, they would risk the procuring a scanty subsistence, and of perishing with cold and hunger, at the approach of winter, when they were certain they must return. A general of Julius Cæsar's ambition, bold, active, and enterprising, might overcome great difficulties, but he could not conquer impossibilities himself, nor compel others to do it; and if he marched eighty miles in the country, in a direct line from the sea, there will be many inconsistencies in his narrative.

If we admit, that the different tribes who submitted to Julius Cæsar, were situated on the eastern part of Kent, and near the great estuary which separated the maritime from the interior states, there will be some consistency in Julius Cæsar's narrative of his expeditions to Britain.

Great stress has been laid on his march of eighty thousand paces from his camp, at Rutupia on the shore, to the ford at the river, where he entered Cassivelaun's territories; but the number of steps his army

marched, cannot be any guide to ascertain the place. If the step of a Roman soldier, when loaded with all his accoutrements, be estimated at two feet six inches, they could not have marched much more than half way to Coweystakes; and it is necessary to estimate the step of a man, heavily laden, at five feet, in a direct line, to march that distance, which has too much of the marvellous to be credited.

In the early ages of the world, men measured the space they passed over, by the most simple method; and Cæsar's was one of them; but, instead of considering the space a soldier might step, recourse has been had to the measure of the Roman stadium, which has been varied at different times; and this has helped to make a dark part of our history more intricate.

Whoever attends to this busy and enterprising scene, which engaged the attention of Julius Cæsar; and to the face of the country at the time of his second expedition; he will have reason to conclude, that he neither landed at Dover, nor built a Castle on the hill; and it was nearly another century, before there was any masonry at this place.

The Roman Fortification in the Castle.

There was a considerable interval between Julius Cæsar's quitting our island, and the Romans re-visiting it again, with hostile intentions of subjugating the natives to their yoke.

It has been said, that after the death of Cunobeline, a British King, in the time of Claudius Cæsar, some of the Britons endeavoured to raise an insurrection, in opposition to his sons; but failing in their attempt, they were obliged to seek security on the continent; and while they were smarting under the pangs of disappointed ambition, they applied to the Romans to invade their country, and avenge their cause. The natives suspecting their design, demanded them of the Emperor; and, on his refusing to deliver them, they stopped all intercourse with the continent; and this was the cause of a war between the two powers.

Whether Claudius had received any real or imaginary insult; or whether he was desirous of gratifying his ambition with a triumph, he determined, in the third year of his reign, to invade, and conquer Britain.

Aulus Plautius, an officer of consular dignity, was sent with such legions as could be spared from the service in Gaul; and he subjugated a part of the country, and reduced it into the form of a province; and he placed over the inhabitants some of his veteran soldiers, to keep them quiet.

The success of this expedition was deemed of sufficient importance for the Emperor to be honoured with a triumph; and he was determined to undertake further conquests.

In the year of Christ, forty-nine, Publius Ostorius Scapula, another officer of consular rank, was ordered to Britain, and on his arrival, he found several of the natives in a state of rebellion; and he endeavoured to prevent those, who had not submitted to their arms, from having any intercourse with the maritime states, lest they should incite them to an insurrection; and he built several forts.

This is the first authentic account of there being any Roman masonry in the kingdom; and it is from this æra, we may date the beginning of the Roman works on the Castle hill.

The plan of the first fortification on this elevated situation was a small one; but the ground work, and the remaining ruins, point out the hand of the Roman engineer, and the Roman architect.

It was no very uncommon thing for that enterprizing and warlike people, to have their ground works in the form of an oval,^a or rather a parallelogram, with the angles rounded off; as the space they had to occupy would admit of it; and they surrounded the area within with a deep ditch, and a high parapet.

^a Tacit. Annal.

^a See plate i.

The space they inclosed on this hill, was about four hundred feet in length; and one hundred and forty feet in the greatest width; and even this confined place was level with the chalk cast out of the fosse. They combined art with nature, to make every approach to their fortress difficult, and easy to defend, by a very inferior force; for the men on the ramparts could command the sloping sides of the hill, in every direction.

While the Romans could keep possession of this hill, they secured the bay; and this was a singular advantage to them in an enemy's country; for it kept open a retreat to their ships, if their army was vanquished in the field.

This small fortress was the whole extent of the works of the Romans on the Castle hill; and it will be lost labour to search for any other, within the walls of the Castle.

As Publius Ostorius Scapula built forts, in the interior parts of the country, to overawe the refractory Britons, on his first coming, he could not omit seeing the necessity of having one upon the coast; and it may be presumed, that one of the Roman consular officers had the first regular ground works upon the Castle hill, between the years of Christ forty-three and forty-nine; and before they attempted to erect forts at any distance from the shore.

As the Romans had determined upon the conquest of Britain, and were frequently obliged to cross and re-cross the channel, they soon discovered the necessity of a light house, near a commodious bay, as a guide for their mariners approaching the land in the night.

A Pharos had been erected by Caligula, at Bolougne, to perpetuate his simple exploit at that place, when he marched his men to the shore, to gather shells to carry to Rome, to shew the proud inhabitants of that city the spoils of the ocean.

The use of a light-house to the merchants, and the ships of war, was too obvious to be overlooked by those who followed him; and

one was built, within the fortress, at Dover Castle' upon a similar plan with that at Bolougne.

The form of the building was octagonal without, and within a square, and the sides of each were nearly of equal dimensions; or about fourteen feet each, and the thickness of the walls, to the first floor, ten feet. Time has impaired this tower very materially, and it is now impossible to say, whether the walls were of equal thickness to the top, or how high they raised them.

It is a singular fact, which has for ages escaped the prying eye of the antiquary, that the Roman masons built the walls of this tower with a stalactical concretion, instead of stone. It was formed under water, and they cut it into small blocks, about a foot in length, and seven inches deep; but they were not all of equal size or solidity.

The walls were raised, first with seven courses of the stalactical blocks, and then two courses of tiles; and this work was continued alternately; but the tiles are of different dimensions; and some of them were cast in moulds, peculiar to the makers of them at this place. The course of tiles, on the eastern side of the tower, and nearly level with the first arch, were about twenty-two inches in length, with a projecting part' at one end, on each side of the tiles, and an open space at the other, of equal dimensions; that when the tiles were laid in the wall, with their ends reversed, they might fit into each other. The surface of the tiles, on one side, had many curved furrows, and four hemispherical knobs, or one equi-distant from each angle of the tile.

There were, originally, two windows, and as many passages, on the ground floor, in the middle of each side of the square. The entrance on the north-east is about six feet wide, and the durability of the materials, and of the workmanship, seem to bid defiance to time; for in the course of sixteen hundred and fifty years, there is no visible

^a See plate ii, fig. 1.

^b See the first volume of this work, plate i, fig. 4.

decay in the arch over the passage. The arches over the windows have suffered much more by an idle curiosity, in breaking off pieces by force, than they have by the weather, or the gradual decay of time.

As this Pharos was built by the Romans on a similar plan with that of Boulogne, and at no great distance of time from it, search has been made, on the opposite shore, for a specimen of the materials used in that building. Several pieces of the tophus were collected; and it was with this petrefaction that the Romans built their Pharos at Boulogne, as well as at this place; which may be considered as one of the oldest pieces of masonry now remaining in this kingdom; and probably one of the first erected in it.

As every thing must yield to time, when there are no means used to preserve it, so must this tower; which is now going to decay, for want of a little repair, which would preserve it some centuries more.

The use of the tophus, in building, was well known, both to the Greeks, the Romans, and the Egyptians; and it was worked in the partition walls of many of their elegant buildings.

The tophus, though rough, gritty, and light, and resembling pumice, easily crumbles, when rubbed; yet it is durable, even when exposed to the weather, in such a lofty and bleak situation as Dover Castle. It is common, both in Germany and Italy;* and there are great rocks of it on the Rhine; and the Germans have used it instead of pumice. The Romans being perfectly acquainted both with its use and durability, and wanting materials to erect a Pharos, instead of venturing to search an enemy's country for stone, which they had just entered, at the risk of being surprized and cut off, they imported the tophus, which was light for water carriage, and for conveying up the hill, which was, at that time, difficult to ascend; and they had no materials on the spot.

* De Costa on Fossils.—Piozzi's Tour in Italy.

This is a strong proof of the antiquity of the tower ; and that it was erected by the Romans, as soon as they determined to subdue the Britons ; for if they had waited until they had been better acquainted with the country, they might have found stone, for building, not many miles from their fortress.

When this tower was made a place of defence, before the building of the exterior walls of the Castle,¹ the windows were altered, according to the plan of Gundulph, Bishop of Rochester, who was military architect to William the First. In making the alterations, though they suffered the original arches to remain over the windows, they extended the space in the walls, on the ground floor ; but they were obliged to carry the quoins inclining to each other, to reduce the space to the original width over the window. Both the materials, and the workmanship, in the alterations, are very different from the Roman masonry. The openings under the arches, on the outside, were contracted to a narrow slip, to which they ascended by a flight of steps, made in the inside work in the wall.

This ancient structure was repaired, and the greatest part of it cased with flint, in the year 1259, when Richard de Grey, of Codnore, was Constable of the Castle ; and his arms, cut in a small square stone, were placed on the north side of the tower, and are still remaining there. A barry of six, argent, and azure.

When this building became useless, as a place of defence, a set of bells were hung in it ; which Sir George Rooke, by his influence, had removed to Portsmouth.

The board of ordnance, for a trifling sum, suffered the lead to be disposed of, which covered it ; and the tower has remained open ever since, exposed to the rain and the frost ; which must, in time, destroy the texture of the mortar, and crumble away the walls.

¹ Godwin's Lives of the Bishops.—King on Ancient Castles.

The flint casing is now dropping off, and the original masonry will, once more, be exposed to the storms, which, in its present ruinous state, must rapidly hasten its fall.

As there is but little probability that this tower will ever be repaired again, it must, like many sumptuous buildings of the Romans, be levelled with the ground; but some of its fragments may remain, for ages, scattered about the Castle, and shew, that there was once a light-house erected on the Castle hill, by that people, to guide their ships into the bay at Dover.

The old Church in the Roman Fortification.

This ancient structure has frequently attracted the attention, both of the antiquaries, and of the curious travellers; and they have all adopted the same opinion, that it was either built by a Roman architect, or with the materials of some dilapidated edifice, left by them on the hill, when they finally quitted our island.

There are but few churches in the kingdom which can boast of an earlier date; but it may be deemed credulity by some, to receive the story related in the monkish chronicles, of its having been built by Lucius, who, they tell us, was converted to Christianity, about the year of the Christian æra 172, in the time of pope Eleutherius. There is not any thing very improbable in the account of Lucius having been a provincial King in the eastern parts of Kent, by the courtesy of the Romans, nor of his renouncing the idolatrous worship of the Pagans, in being baptized, and building a church; but the precise time when all these events happened, appears rather doubtful.¹

If we can credit the legendary tale, recorded of him in the Roman calendar, he was a King in Britain, towards the close of the second

¹ Those who wish to examine more particularly into the story of Lucius, may consult Gildas, Nennius, Bede, and other ancient authors; and among the more moderns, Archbishop Usher, Spelman, Camden, Stillingfleet, and others.

century. After he became a believer in Christ, we are informed, that he felt an ardent zeal for making converts to his faith; and this induced him to quit his sceptre, his subjects, and his country, and embark for the continent. Being warm in the cause he had undertaken, he wandered through the forests, and over the mountains of Switzerland; and at Coire he built an hermitage, where he instructed the inhabitants in the important doctrines and duties of Christianity, by his preaching and his practice. He was considered as an apostle by the Grisons; and revered as a saint by the Catholics.

At the cathedral of Coire, they pretend to have some of his bones, which they shew to the credulous spectators, richly ornamented. In contradiction to this legend, it is said, that he built a monastery at Bangor, and died at Gloucester.

If what has been recorded of this King could be deemed authentic, there would not be any inconsistency in considering him as the founder of a church in Dover Castle.*

The Romans had been a sufficient time in Britain, to teach our ancestors to build temples, courts, and market places; and to give them a taste for the elegant, as well as the useful arts; but neither the remains of bases, capitals, or columns, have ever been found on this hill; which have usually been seen near the ruined buildings of the Roman temples, and given decisive proofs of the execution produced by the chisels of their artists.

This seems to be a conclusive evidence, that the present building has not that high antiquity, which monkish writers have ascribed to it; and before we adopt the opinion of modern antiquaries, relative to this ruin, it will be necessary to examine it accurately.

The prevailing notion has been, that the walls and the tower of this church, were raised with the materials of a dilapidated Roman edifice, and laid by the masons, without any regular order, as they

* *Forum*, lib. 3, c. 36.—Tacitus.

came to hand ; but the experience of past ages has convinced us, that the Romans built for posterity, as well as for themselves ; and their materials were too strongly cemented together, to fall into ruins in one or two centuries.

If either the walls or the tower of this church had been examined with the eye of an architect, a very slight inspection would have been sufficient to have proved to any one, that the original masonry was carried on by a regular rule ; but it may be difficult to determine, whether this edifice was erected by a British, a Roman, a Saxon, or a Norman workman.

In every building, whether ancient or modern, a single glance of the eye will be sufficient to shew, that the architects worked by one general rule ; which was, the raising the quoins, either with tiles, or squared materials, when they used flints, or rubbles, or such rough stone which they found near their work. This rule was regularly observed in building the church in the Roman fortification ; notwithstanding the many irregularities which now appear in this ruin.

The quoins were all originally raised with the common sort of tiles, after the manner of the Romans, which shews, that they had no stone to square near their work ; for in that case they never would have been at the trouble of making and burning tiles.

Necessity compelled them to it on this hill, and they had plenty of clay fit for the purpose. The workmen, in digging on the north side of the Roman fortress, in the year 1796, came to a place, about four feet under the surface, where either bricks or tiles had been burnt ; and this might probably be the place where they made them¹.

The parts of the quoins which now appear as if they had been originally carried up with an irregular intermixture of stones and tiles, are the patched works of repairers, who have, from time to time, put in squared stones, at such places where the hand of violence, stimulated by an idle curiosity to take away some fragment from the building, has injured the work ; and where the tempests, by beating for

ages on an edifice so much exposed, have washed away the mortar, and left the tiles to drop down, for want of cement to hold them together.

There are other places in the walls, where the tiles have appeared, to a cursory observer, as if laid by the mason without any regular order; and it has been too hastily concluded, that the work was done in this unskilful manner. If the antiquaries, who have from time to time viewed this church, with a design of discovering, by the masonry, in what æra, or by what people, it was built, had been at the trouble of examining both sides of the walls, where the tiles appeared, they might have discovered, that they were placed there to form windows, which have, in a course of time, either been altered or stopped up. The sides and the arches of the first windows were all built with tiles; and many of them were cast in moulds, for the particular purposes to which they were to be applied; for they were too hard to cut after they were burnt.

In such places in the walls, where the original windows have been damaged, and filled up with masonry; and in many others, where stone frames have been put in, which may, by their workmanship, be deemed ancient; the tiles may be discovered, either on the inside, or on the outside of the walls, and particularly in one of the chancels.

There are but few places of worship, which have undergone more or greater alterations. The first roof was a very flat one. When that failed, the second was considerably raised, and larger windows were put in the walls of the body of the church, and higher up than the first. There was afterwards a third roof, more flat than the second; and the mark of each of them may still be traced, on the south-west side of the tower.

The church is in the form of a cross, with a square tower over the intersection formed by the transept, and the body; and it is supported by four arches. Each side of the tower measures twenty-eight feet.

The north-west and south-east chancels, in the transept, are twenty-six feet wide; but the chancel towards the east only nineteen feet. The length of the body of the church, to the tower, sixty feet.

The pilasters, and the lofty semi-circular arches, which support the tower on the sides of the transept, are built with tiles; and one of the arches is nearly perfect, after a lapse of many ages.

The pilasters, to two of the arches, are squared stone, with a bead, which is continued round the front of an elliptic arch; but this work is modern, when compared with the other two arches; nor is it so durable, for time has been, for many years, separating the new from the old work.

In the sides of the tower, there are several small circular holes and windows, with semi-circular arches, all formed with tiles, after the manner of the Romans. The tower was probably, originally, intended as a place for observation and defence.

As the elliptic arches had triple columns in the angles of the towers, and voussoirs spreading from their capitals, it may be presumed, that the repairs were made after the Saracenic or Gothic architecture was introduced into Britain.

As these observations only tend to correct the errors which have been propagated, from time to time, relative to the unskilfulness of the masons in building this edifice; it may be necessary to consider the history of the progress of masonry during the reign of some of our Saxon Kings; as it may cast a small glimmering light on the æra of the building of this church, which has hitherto baffled conjecture; unless the doubtful story of Lucius be adopted, which has no better authority than the chronicles of monkish writers.

If Lucius ever erected a church in Dover Castle, and provided accommodations for six canons, and a superior, they were probably destroyed by the Saxons, after the final departure of the Romans from Britain, which happened in the year 446. It was about one hundred

and fifty years after the cities and the churches were demolished by that people, from the eastern to the western ocean, that pope Gregory turned his thoughts to the state of religion in our island ; and being desirous of spreading the knowledge of Christianity among the inhabitants, he sent Saint Augustine to propose the terms of salvation to Ethelbert, and his subjects, who were all at that time pagans. The processions of this ambassador of peace attracted the notice of the Britons ; and his anthems were better adapted to gain their attention, than his lectures ; and if he was deficient in knowledge, he supplied the defect by his processions and ceremonies.

It has been said, that the King and his subjects were so well satisfied with the quiet behaviour of Saint Augustine, and his attendants, that he granted them leave to remain in his kingdom, and gave them the church in Dover Castle ; but as the edifice had been defiled and profaned by the worship of pagans,¹ it was re-consecrated by him, and dedicated to the Virgin Mary, and he publicly said mass in it. But this story cannot be reconciled with what Gildas has said of the state of building in Britain, after the Saxons had established themselves in our island.

The same chronicle which mentions the conversion of Ethelbert, says, that his son and successor, Eadbald, falling back into the idolatry of his ancestors, checked the progress of Christianity ; but that he being afterwards touched with remorse for his offences, and wishing to atone for them, founded a college in the Castle for twenty-four ecclesiastics, which he annexed to the church. If Eadbald ever built such an edifice on the Castle hill, it was a temporary work, raised with perishable materials.

At the first preaching of Christianity to pagans, prudence might dictate to the missionaries, the necessity of erecting their churches in places of safety ; and they might think Dover Castle a secure retreat,

¹ Darcel's MSS.

upon the sudden landing of a plundering party from the north ; and it was conveniently situated for accommodating ecclesiastics, at their first arrival from the continent. The canons placed here by Eadbald, kept possession of their habitation until the year 696, when Withred, King of Kent, either from pious or political motives, built them a more convenient habitation in the town, and removed them, with all their immunities, from the Castle. He probably thought, that men, whose lives were devoted to God, ought not to be intimately connected with those, whose profession was arms, as their pursuits were frequently incompatible with each other. He might also fear, that the canons might endanger the safety of his Castle, by not submitting at all times to military restriction. As the college of the canons was either taken down, or the frail materials with which it was built have mouldered away by the slow decay of time, it is in vain for the inquisitive antiquary to search after walls and arches; for there is not a fragment left, by which a conjecture can be formed, either of the skill of the architect, or of the æra of the building.

When the Saxons first attempted to build with stones, and mortar, in Kent, is a question, which may not be easily determined. While the appeal was to the sword, they did not require large and commodious courts of justice ; nor sumptuous temples for the worship of their idols ; neither had refinement taught them to cultivate the useful arts.

During the time the Saxons were contending with the natives for the sovereignty of the kingdom, the masons either fled, with the knowledge they had acquired from the Romans, to the continent, or retired to the woods for safety ; and if they submitted to their unfeeling conquerors, they were reduced to the lowest state of slavery. The degraded condition to which many of the natives were reduced, by their imperious masters, roused the courage of some of the bravest of them, to shake off the yoke of their ignoble servitude, to which most of their countrymen had submitted. This brought on a long, and a bloody war. As the dispirited Britons could not always face their enemies in the

open field, they frequently retired behind the buildings left by the Romans; and this caused the Saxons to demolish many of them, and materially to injure the rest.

The ignorant barbarians of the north ascribed the timidity of the Britons to the knowledge they had acquired of the arts from the Romans; and being satisfied, in their southern situation, with their sodded huts, or with caves in the side of a hill, they considered the arts, not only unnecessary, but detrimental, if they did not relate to war. They would not suffer their children to be instructed in the knowledge of the country they had conquered, lest those who had trembled under the rod of tuition, in childhood, should fear, in the moment of danger, to face their enemy in the field.

The Saxons, in pursuing this plan, brought on, in less than a century, a long night of ignorance, which spread a universal darkness over the whole island; and those who governed, and directed the affairs of the nation, were as much unacquainted with letters, and useful knowledge, as those who performed the most servile offices under them.

The first dawn of light, which appeared in the horizon of Britain, was upon the re-introduction of Christianity, by Saint Augustine; but he did not bring with him masons and carpenters, to build churches; and the people he came to preach to, were incapable of doing it themselves. There was a long interval, between the artificers going to the continent, and their returning again, to build edifices with stones and mortar, after the manner of the Romans; neither did they return, until religion and peace offered them security and encouragement.

The monks, in filling up their chronicles, found it would be expedient to provide the Saxon nobility with churches, immediately after their conversion; but as they knew not where to have masons to build them, they discovered two in Kent, built with tiles and stone, after

the manner of the Romans; and which, they concluded, were left standing by the Saxons. They tell us, that Saint Mary's church, in Dover Castle, was fitted up by Saint Augustine, and his attendants; and the church of Saint Martin, near the city of Canterbury, for Berta, the Queen of King Ethelbert.

Instead of filling up a chasm in history, with no better authority than the finding tiles in a building, in imitation of the Romans, it would have been more satisfactory to have considered the plan which was pursued by Saint Augustine, at his arrival; and how long the artificers were, before they followed him from the continent.

His primary object, and on which his success depended, was to make converts. When he had obtained the favor of the King, and procured grants of lands, on which he might erect habitations for himself and his attendants, he might next attend to places of worship, which were built by the natives, in their rude manner, with perishable materials.

As their influence, and their wealth increased, they provided more durable habitations; but churches, built with stone and mortar, were very rare with the first Saxon Christians. Their orders of architecture were as simple, as their execution was rude and imperfect.

For a considerable time after the conversion of the Anglo-Saxons, by Saint Augustine, their architectonic skill went no further than to the erecting churches with wood. They at first, like other pagans, retired to the gloom of the grove, or the summit of a hill; and when they attempted to raise temples, it was done with stakes, or the trunks of trees, interwoven with boughs, and plastered over with clay, and the roofs were covered with thatch.*

A building, of Anglo-Saxon architecture, is mentioned by the society of antiquaries, in Essex, when they were a little advanced in the arts.

* Spelman's Con. vol. 1, p. 4.—W. Malms. Antiq. Glouc. lib. 1.

'The nave or body of Greensted church, in that county, is intirely composed of large trees, split, and roughly hewed on both sides. They were set upright, and close to each other, being let into a sill at the bottom ; and in a plate on the top, where they are fastened with wooden pins. This is the whole of the original fabric, which is much worn by time. It is twenty-nine feet nine inches long, fourteen feet wide, and fifty-feet six inches high within side, to the top of the up-rights, which support the roof.

We may judge, by this rude effort, that a considerable time was required, from the first introduction of Christianity, to their raising large and lofty edifices with stones and mortar. It required time, experience, and practice, to build after the models of the Romans ; and the first attempts of the Saxons must have been humble imitations ; for they could not know how to connect the several parts, to make one regular and substantial whole.

Those who are conversant in the progress of architecture, in our island, will find reason to doubt, whether it arrived to any degree of perfection, until the artificers were recalled from the continent ; when the King, and his nobles, offered them protection ; and their liberal donations opened a prospect of reward for their skill.

Biscop, the founder of Wearmouth abbey, invited masons from the continent, about the year 674, to begin his house ; for he could not procure them in England ; and it was long after this, before masonry was generally practised by the Saxons.

It is very probable, that the church, in Dover Castle, was built by some of the first masons which arrived from the continent, after Saint Augustine. There are but few places of public worship in the kingdom, which can claim a higher antiquity ; and, in the unsettled state of things, it was probably built in the Castle for the security of the religious, between the returning of the artificers, and the reign

¹ *Archæologia*, vol. 2, plate vii.

of Alfred. Many of the churches, which are now called Saxon, are not mentioned in Domesday book; therefore they were not erected when the survey was made; and Barfreton, in Kent, is one of them.

John de Fienes either found, or placed, three chaplains in the church in Dover Castle; and they were permitted to wear the habit of prebendaries, in honour of the antiquity of their situation.

Prior to the reign of Henry the Third, they resided in a tower, near the church, called Cocklico; and, by their regular routine of duty, each chaplain was to rise at a fixed hour, in his turn, and sing matins privately, before the long peal was rung for matins in the chapel. He was then to say mass matinal, at the altar of relics; and at which the watchmen, and sergeants were to attend. At the end of this mass, if either of the priests wished to go out of the Castle, upon particular business, they were at liberty; provided they returned to high mass; but they were not to be absent to neglect any duty, nor to interfere with each other.

After the mass matinal for the watchmen, the priests said one for the soldiers; and the clerk was to ring out the bell, that it might be heard in the high road, as a person was walking from the town towards the Castle; and at the ceasing of the bell, the priest was solemnly to chaunt the mass.

At noon, the constable, or, in his absence, the lieutenant attended, if they did not have private mass; and in this manner they were to proceed every day throughout the year.

During the summer, the first mass matinal was to begin at sun rising, from Easter to the festival of Saint Michael; but in Lent, the clerk was to ring for mass every hour in the day. Every evening, during the summer, they were to toll after the ringing of the curfew bell; and in winter, between the revelle and the relieving guard, at the break of day.

As the Castle was exempted from the jurisdiction of any ordinary, it was ordered, that once in every quarter, the constable should

assemble the garrison, to fine, or punish, for any heinous offence committed against the peace of the King.

When a person was accused of fornication, or idolatry, or any crime, of which the church ought to have had cognizance, and the constable was unacquainted with the nature of the punishment, he was to apply to an ecclesiastic for advice, and his sentence was to be final.

It was ordered, that a sergeant and a watchman should be chosen from the whole garrison, and sworn to attend the lights in the church; but the three priests were to be charged, on their consciences, to take care of the lights in the chancel; and if either of them neglected their duty, the other two were to give information to the constable; unless he chastised himself, and then they might excuse him.

Their relicks were reckoned rare, and of great importance; and they were opened every Wednesday, and placed upon the high altar during mass; that all those who desired it might reverence them, and promote the honour of God, and the good of the chapel. If a person in a dying state required it, one of the chaplains, or a clerk, decently habited in a surplice, might exhibit the relick, and pronounce absolution.

On the principal festivals, such as Our Lord's, Our Lady's, Saint John's, Saint Peter's, Saint Paul's, and All Saints', and such festivals as had double Saints, mass was to be said, after ringing the bell, at their vigils, matins, and vespers; and at processions, they were to sing *Te Deum*.

The same service was to be said, at the great festivals of Christmas, Easter, Ascension, Pentecost, Assumption, and all the festivals of Our Lady; and they were all to sing together, to make it more solemn.

It was an established order, that if a knight, or a lady, or an ecclesiastic, died in the Castle, the chaplains were to recommend the soul to God; and they were to attend the funeral in their vestments,

and their hoods. They were to do the same, at the funeral of a deacon, or a sub-deacon.

At the funeral of a sergeant, the first chaplain was to attend in his hood ; and the other two in their surplices ; and for a watchman, the first chaplain was to wear his gown. At the funeral of a soldier, there was no obligation to wear any other dress than the surplice.

Every Sunday, after high mass, holy bread was given, in the chancel, to such as had attended the festivals, or the marriages, or the sermons, during the preceding week.

They were, in their prayers, to offer up their petitions for the preservation of the Church ; for the recovery of the Holy Land ; for the success of Christianity ; for the King, the Queen, and all the Royal Family ; for the Barons of the Realm, the Constable of the Castle, and all the Garrison.

The first priest, or one of his associates, at his request, was to deliver, after the Gospel for the day, a discourse to all the garrison, or to as many as attended high mass, either from the words of the Evangelist, or the life of some holy man, or an exposition on the first twelve articles of the Christian faith, or the commandments, or from some other good and profitable words, which might tend to incite in them more piety to God ; and make them more slow to transgress his laws.

The font, the eucharist, the oil, and the ointment, were to be well guarded, and kept under the key of the first priest ; that they might not be applied to irreligious purposes.

He was also to provide a clerk, sufficiently qualified to read, and to chaunt ; and to discharge his duty daily at mass, matins, and vespers.

It was also ordered, that when any one of the garrison died, his obit should be placed in the calendar, and high mass said for him on the first anniversary ; and afterwards one mass matinal for their

own anniversary; and they were to ring the appropriate bell every year.

The chaplains were continued in this church, until the reformation; and they were then reduced to one, who was the officiating priest for the garrison, and the inhabitants residing in the Castle.

Edward the Third, considering that Richard Bennet, the parson of the parochial church, within the Castle, had only six marks, and small oblations, granted him nine additional marks.*

The service was regularly performed in this church, until about the year 1690; and since that time, the chaplain's stipend has been applied to answer political, instead of religious purposes. The salary, between thirty and forty pounds a year, has been given, within our own memories, to a lieutenant in the army, who had a vote to dispose of at an election; and he enjoyed it until his death, by having a relation in orders to hold it for him.

Sir Robert Asheton was buried in this church, before the high altar; and he had his portrait in brass, inlaid in stone, with the following inscription, in the same metal, over his grave:—

“ Hic jacet Robertus Asheton, Miles quondam, Constabularius Cast. Dovorice, et Custos Quinque Portuum; qui obiit novo die Januar. Millissimo CCC Octogesimo Quinto; cujus animo propitiatur Deus. Amen.”

The stone that covered the grave was not marble, as mentioned by Weaver; but a coarse grit, full of marine petrefactions. When it was first discovered, under the rubbish, about the year 1776, it appeared, by the grooves cut in it, that it had been very much ornamented with brass work. This excited the curiosity of an inquisitive antiquary, to see if there was any thing under it, and he employed persons to dig for that purpose. After raising up a very large and

* Rot. Patentium, 33 Edw. part 2, membr. 14 (in the Tower.)

† See plate iii.

thick stone, and digging down several feet ; all that they found were a few bones, and a grave, slightly plaistered on the sides. The stone was soon broken in pieces by the soldiers ; and the fragments of this ancient tablet, which had covered the ashes of a Constable of the Castle four hundred years, were soon converted to other purposes.

This Sir Robert Asheton was the son of Sir Robert Asheton, of Ashton-under-Linc.

He was appointed admiral of the narrow seas, about the year 1370, and very soon after it a Justice of Ireland, and Treasurer of the Exchequer. He was Chamberlain to Edward the Third, and so high in his esteem, that he named him one of his executors in his last will. He gave the great bell to this church.

Sir Richard Malmains, his Lieutenant Governor, was buried near him.

William Cripse, Esq. Lieutenant Governor of the Castle, who died in the year 1576, was interred in this church.

In the chapel, on the right, and on the south side, was interred Henry Howard, Earl of Northampton, with the following inscription on his tomb ;—

“ Henricus Howardus, Henrici Comitis Surrie filius, Thomæ secundi Norfolciæ Ducis nepor, et Thomæ tertii frater ; Comes Northamptoniæ ; Baron. Howard de Marnhill ; Privati Sigilli Custos ; Castri Durouernensis Constabularius ; Jacobo Magnæ Britanniae Regi ab intimis Conciliis ; ordinis periscelidis eques auratus, et Academiae Cantabrigiensis Concellarius ; inter nobiles literatissimus, in spem resurgendi in Christo hic conditur.

“ Obiit 15^o die Junii, A.D. 1614.”

Nicholas Stone, the famous statuary of his time, received £500, for putting up this tomb, and he considered himself well paid.*

* Walpole's *Annals of Painting*, vol. 2, p. 42.

“ This nobleman was a younger son of the famous Earl of Surry ; and it was said of him, that he was the most learned among the nobility ; and the most noble among the learned.

“ To the advantages of birth and education were added the dignities of Earl, Knight of the Garter, Lord Warden of the Cinque Ports, and Constable of Dover Castle. He died at the palace he built at Charing Cross, now Northumberland House, supposed to have been raised with Spanish gold ; and was buried as already mentioned. He was one of the Commissioners for the office of Earl Marshal, Lord Privy Seal, High Steward of Oxford, and Chancellor of Cambridge. He added himself the still nobler title of the founder of three hospitals ; at Greenwich, in Kent ; at Clin, in Shropshire ; and at Castle Rising, in Norfolk. These topics of panegyrics were sure not to be overlooked by our writers of genealogies, who winnowed the chaff. But what have our historians to say of this man ? What a tale have they to tell of murder ? But it is necessary to take up his character a little higher. On his father's death, he appears to have been left in very scanty circumstances ; and though there is no doubt of his having parts, and very flexible ones too, they carried him to no great length during the long reign of Elizabeth. In her successors they produced tenfold.

“ Anthony Bacon, giving an account of a conference he had with his aunt, about the Cecils, wishes for the genius of the Lord Henry Howard, or that of Signor Rerez, to assist him with the facility and grace which they had, in relating their own actions. Lady Bacon, the severe and froward, but upright mother of Anthony and Sir Francis, had no such favourable impressions of Lord Henry ; against whom, as he was an intimate of Anthony, and the Earl of Essex, she often warns her son ; calling Howard a dangerous, intelligencing man, and no doubt a subtle papist inwardly, and a very instrument of the Spanish papists. No mistaken judgment. He had been bred a papist ; and though, at this time, he seems to have acted protestantism, he openly

reverted to popery in the next reign ; which, at the King's request, he again abandoned ; and yet, at his death, he avowed himself a catholic.

“ The same Lady apprehends his betraying, whom he was soliciting, to his ruin. For he, pretending courtesy, worketh mischief perilously. I have long, said she, known him, and observed him. His workings have been stark nought. Her Ladyship had learning, and was profuse of it. In another place she calls him, subtiliter subdolos, and a subtle serpent.

“ Rowland White, of a nature less acrimonious only, said, that the Lord Henry Howard was held for a ranter.

“ Sir Anthony Weldon speaks of him as one of the grossest flatterers alive. But it is the mode to reject his testimony, as too severe a writer. Yet on what times was he bitter? What character, that he has censured, has whitened by examination? To instance, in this Lord Northampton, I shall not content myself with observing, that Sir Fulke Greville says, he was famous for secret insinuations, and for cunning flatteries ; a fit man for the condition of such times ; nor that Monsieur de Beaumont, the French ambassador, calls him one of the greatest flatterers and calumniators that ever lived. Let him speak for himself. He first founded his hopes of preferment on the Earl of Essex, to whom he seems to have made unbounded court. In one of his letters he tells that favourite, so God deal with me in die illo, as I would lose of my own blood to save yours, and hold all those given over in sensum reprobissimum, whose malice can distinguish, at this day, between the safeguard of your worthy person, and the life of your country. In another, when I see you not, yet I think of you ; and with the most divine philosophers will ever settle my beatitude in contemplation of that shining object, unto which hypocrisy or flattery can add no grace ; because the rare worth of itself has made it very truly and singularly super-excellent ; and as excess of flattery to the creature is not content, until he has dared to engage even the Creator in its hyperboles, he tells Essex, my hope of your safe return is anchored in

Heaven. I believe that God himself is not only pleased with his own workmanship in you, as he was when he vidit omnia quod creavit, et erant valde bona; but withal is purposed to protect that worthy person of your Lordship under the wings of his cherubin. What could Sir Anthony Weldon say too bad, of the flattery of a man, who paints the great God of Heaven smitten, like an old doating Queen, with a frail phantom of his own creation?

“ But though Northampton could flatter, honest Abbot could not. The Earl prosecuting some persons in the star chamber for defamation, as his infamy began to grow public; when the laws were ready to pass sentence, the Archbishop rose, and to the Earl’s face told him, that those things said of him were groundless upon reason; and for which men of upright consciences had some reason to speak; and that his Lordship’s own letter made evident, that he had done some things against his own conscience, merely to attain unto honour and sovereignty, and to please the King; and then pulled out a letter from Northampton to Cardinal Bellarmine; in which the Earl professed to the latter, that howsoever the condition of the times compelled him, and his Majesty urged him to turn protestant, yet, nevertheless, his heart stood with the papists, and that he would be ready to assist them in any attempt.

“ But to have done with this topic, which I should gladly quit, if it were not to pass to that of blood. Howard, who always kept terms with the Cecils, and when he had presented one of his compositions to Essex, sent another to Burleigh; at the same time, with a true sycophantic art, confessing it to his friend, skinned himself out of the misfortunes of Essex, and became the instrument of Sir Robert Cecil’s correspondence with King James, which Cecil pretended was for the service of his mistress; as the confidence of her ministers would assure that Prince of his peaceable succession, and prevent his giving her any disturbance. This negociation was immediately rewarded by James, on his accession, with his favour, and with the honours I have

mentioned. But as every rising favourite was the object of Northampton's baseness, he addicted his services to the Earl of Somerset, and became a chief and striking instrument in that Lord's match with Northampton's kins-woman the Countess of Essex, and of the succeeding murder of Sir Thomas Overbury.

"Northampton, the pious endower of hospitals, died luckily before the plot came to light, but his letters were read in court; but not all, for they contained such a horrid mixture of obscenity and blood, that the Chief Justice could not go through in common decency.

"Let those who envy the pomp, and splendour which too often accompany those who fill high stations, look on the meanness, the servility, the hypocrisy, and the wickedness of this great, but guilty man; and the arts he used to obtain his greatness, and there will be more reason to turn, with horror, from the sight, than to admire dignity, which is procured by a sacrifice of every principle worth preserving."

It is not many years since that there was a stone in the chapel, against the wall, where he was interred, with the following inscription.

"*Memorandum.* In this place was buried the body of Henry, Earl of Northampton, Constable of Dover Castle, and Warden of the Cinque Ports, A. D. 1614; and in this place stood likewise a monument, in memory of the said Earl; whose body and monument, by reason of the ruinous situation of this chapel, were removed to the hospital of East Greenwich, in Kent, of the foundation of the said Earl, at the charge of the Worshipful Company of Mercers, governors of the said hospital, with the consent of the Archbishop of Canterbury, and of his Grace the Duke of Norfolk, and of Henry, the Earl of Romney, Lord Warden of the Cinque Ports, and Constable of Dover Castle."

* Walpole's Anecdotes of Royal and Noble Authors.

Time, with his levelling hand, continues to obliterate and demolish what has been done to perpetuate the memory of this Earl. The chapel, belonging to Sion College, at Greenwich, was, about two years since, in a ruinous state, and it was taken down, and rebuilt. At that period, the Latin on the Earl's monument was legible; but the masons, not having any one to overlook them, defaced the inscription, and removed the sculptured stone, so that there is not any thing now remaining, but a bust of the said Earl, and the following memorandum.

"Near this monument (place) lies the body of the Right Honourable Henry Howard, Earl of Northampton, Baron of Marnhill, Keeper of the Privy Seal, Guardian of the Cinque Ports, Constable of the Castle of Dover, Chancellor of Cambridge, and Knight of the Garter.

"A monument (to the memory of this Earl) was first erected in the chapel of the castle of Dover, in the year 1614; but the said chapel falling to decay, the Worshipful Company of Mercers, governors of this hospital, founded 1613 by the aforesaid Earl of Northampton, caused it to be removed into this chapel, by the permission of the Archbishop of Canterbury, Henry Duke of Norfolk, and Henry Earl of Romney."

William Copledike, Lieutenant Governor of the Castle under Sir Edward Guildford, in the reign of Henry the Eighth, was interred in the chapel, on the north side of the church, and he had a fine monument erected to his memory.

Sir James Blake, who died in the year 1632, was also interred in this church.

It appears, by wills proved in the prerogative court of Canterbury, that William Horne, of Dover, was buried here, in the year 1498, before the blessed cross; and he gave six shillings and eightpence to repair the church.

John Reckenham, clerk of the Castle, was buried near his uncle Matthew, who had been clerk before him, in the year 1615.

The ground on the south-east side of the church, within the Roman fortress, has been, for many years, used for the interment of soldiers ; but time has left us no memorial either of the families, or the virtues, of those who have fought our battles ; and these ruins read us a melancholy lecture on human greatness, when we behold how small the difference between the commander and the commanded, in the mansions of Death ; for there is no longer any trace left here of the former splendour of the rich and great.

The Saxon Ground Works, with the Walls and Towers afterwards erected upon them.

When the proud conquerors of the world were obliged to withdraw their forces from their distant provinces, to check the progress of the northern barbarians marching towards the south, they parted with the Britons with the reluctance of old friends, who had long been intimately connected ; and they left them in the possession of the forts and castles which they had built, after they had instructed them in the use of arms ; and the morning of independence arose upon them with a bright and flattering prospect, but it was soon over-clouded with contentions and war.

The natives, on their rising to freedom and personal consequence, fought with the enthusiasm of heroes, and drove the invaders of their country from their habitations, and their coasts ; and they maintained their independence while unanimity prevailed among them. But a country divided into districts, after the manner of the Romans, with residentiary officers belonging to each of them, carried the seeds of dissolution in its own bosom. This system produced distrust, civil wars, and the slaughter of each other. A succession of tyrants continued to spring up, contending for power and conquest, which wearied

the people, and exhausted their strength, by continually opposing each other; and their leaders were obliged to submit in their turns, and yield to a more powerful adversary.

During their bloody contentions, they never looked forward to that period, in which they might be called upon to unite their skill, their courage, and their strength, against a common enemy. When that moment arrived, they found themselves deficient in leaders, in whom they could trust; and they wanted either courage or inclination to face an invading enemy.

The different piratical parties, being acquainted with the situation of the Britons, and judging that they had but little to fear from them, made frequent depredatory visits; as they knew, that they would either purchase a temporary security, or quit their residence, and leave it to be plundered by them. As these crews acted independently of each other, they kept the natives residing on the coast in continual alarm; for the complying with the demands of the first, was no security against the second; as they came either to plunder, or to receive a compensation in lieu of it.

While the natives were in this perilous situation, dissatisfied with their rulers, and unable to protect themselves, Hengist, the Saxon, arrived, with a small number of followers, and he landed in Thanet. He was liberally supplied with provisions by the natives, and he soon gained the confidence of Vortigern, the British chief, in the eastern parts of Kent.

Hengist, liking his situation, and wishing to secure it for a residence, encouraged others from the north to follow him, to partake of his fortune. The invitation induced several parties from the north to quit their frozen habitations, to enjoy the advantages of a more temperate climate. The Saxons, from Lower Saxony; the Angles, from the dutchy of Sleswic; and the Danes and the Jutes, from Jutland, assisted in subduing the Britons.

Hengist, with his additional forces, found himself able to speak in the tone of authority; but whether he obtained the confidence of Vortigern, by restraining the murmurings of his subjects, and checking the visits of the depredatory parties; or whether the beautiful Rowena, the daughter, kindled the torch of love in the bosom of the old chief, and Kent was the price of her beauty, are questions which are left undetermined, though so much has already been written on the subject.¹

When the Saxons took possession of Kent, either by treaty or by conquest, they were too well acquainted with the advantages of a watch-tower and a light-house, on such an elevated situation as the hill at Dover, to destroy the works which had been left by the Romans; and as Hengist had obtained the possession of the country, it was expedient for him to adopt measures to preserve the buildings; and either he, or his immediate successors, extended the ground-works on the Castle hill, by adding all the spare ground they could level to the Roman fortress. Though the works which they formed were characteristic of a rude and a barbarous age, they were designed with judgment, and adopted to the limited space they had to occupy.

The fortress of the first Saxons differed very materially from the ground-works of the Romans, for they had no high parapet to defend them. The keep,² or the interior part of their fortress, was even with the edge³ of the perpendicular ditch, and it was raised eighteen or twenty feet above the vallum which surrounded it.⁴ The keep was formed with the chalk dug out of the interior ditch, and the vallum was levelled with what was cast out of the exterior one.⁵

This work was evidently intended to strengthen the entrance into the Roman fortress, and to make room for a greater number of men to oppose the force that might be brought against them, on the narrow

¹ See *History of Dover*, for a more circumstantial account of the arrival of the Saxons.

² Plate iv. fig. 13.

³ Fig. 5, 5, 5.

⁴ Fig. 7, 7, 7.

⁵ Fig. 8, 8, 8.

neck of level ground, on the north-west side of their fortress; which was the place from which they might be attacked with the greatest probability of success.

The original entrance into the Saxon fortifications, was on the south-west side of the Roman fosse, and on the exterior bank, which was reduced to a narrow path, by a deep recess dug in the side of the rock, where the ascent of the hill was the most difficult; and, at that time, it would have been a rash undertaking, for a besieging enemy to have attempted to force the passage.

If the centinels had been driven from the first pass, they could retreat to a second, and from thence to a third, where they might have annoyed the assailants very severely, before they could have gained the Saxon keep, and the Roman fortress.

The first Saxon works consisted of deep ditches, with perpendicular sides, to secure their keep on the hill; and they left to their timid successors to call in the aid of the mason, to make their strong holds more impregnable. When the hardy warriors of the north first endeavoured to secure this fortress, they paid but little attention to the accommodations which were afterwards thought indispensably necessary, to make the life of a soldier more comfortable. The sodded hut, or the cave in the side of the rock, to shelter them from the winter storms, were deemed sufficient by our Saxon ancestors. One of their excavations was discovered in the year 1800, under the Roman work. It was about nine feet high, as many wide, and fifty from the entrance to the end.

Where there is but little general authentic information of our first Saxon Kings to be collected from the ancient historians, it will be in vain to expect much local knowledge of their proceedings in any particular castle; unless it can be collected upon the spot from the works which they left.

¹ Plate iv, fig. 9.

² Fig. 12, 12, 12.

Prior to the reign of Alfred, the inhabitants of the coast had been much annoyed, by frequent depredatory visits of plundering parties; and the penetrating discernment of this great man, found it necessary to re-fortify the ruined towns and castles, which had either been destroyed by the hand of violence, or rendered defenceless by time, and to erect new fortifications at such places as could not be easily taken, by a crew of pirates landing to plunder. Dover Castle could not be overlooked; and he was the first of the Saxon Kings who sought the aid of the mason, to make his strong holds more tenable.

The ground works, though cut in the solid rock, had been much injured in a course of years, by repeated rains and frosts, and the perpendicular sides of the ditches were sloping down, which rendered the fortifications defenceless. To make this important station impregnable, the keep and the vallum were surrounded with walls and towers. In carrying on this work, they rigidly adhered to the ancient ground plan; and they built an arch for a gate, with a tower over each of the narrow passes, leading into the vallum, the keep, and the Roman fortress. They had also a bridge over each of the ditches, with towers and gates, which will be mentioned in describing the other towers.

While Earl Godwin was guardian of the Cinque Ports, he made some addition to the masonry, and the tower he built is still called after his name. 'As this nobleman was of a bold and enterprising spirit, and never very nice in the means which he used to promote his ambitious designs, it may be expected, that in the transactions of so remote a date, there will be some difference between the historian, the antiquary, and the herald, respecting the actions and descent of this noble Earl. While the herald derives his title from his birth, the historian dates it from an accidental circumstance, improved by an artful and a designing man.

¹ Turner's Anglo-Saxon Hist. vol. 2, p. 269.—Cot. Lib. Vesp. 10.

We are informed by a solitary narrative, which will probably be questioned by the herald, that after the battle between Canute and Edmund Ulfred, the latter, by following the English fugitives too far, was lost in a wood; and in the morning he discovered a full-grown youth, driving cattle near him, who was the son of a neighbouring herdsman. He saluted the lad, and asked him his name; and he answered Goden, or Godwin. Ulfred inquired the way to Canute's fleet. Godwin answered, the way was long and difficult; and that the peasants would murder any one who should assist an enemy. Ulfred, seeing his danger, took a gold ring from his finger, and offered it to the youth, to conduct him to his friends. Godwin looked at it, and said, I will not accept your ring; but I will endeavour to lead you to your ships; and if I succeed, reward me as you please. He took him to his father's humble mansion, where the Earl received an hospitable refreshment. In the evening two horses were ready, and Godwin's father said, "Ulfred, we commit to you our only son; and if you reach the King, and your influence can prevail, you will get him admitted into his household. Here he cannot stay; for if it should be known that he has served an enemy, his life would be in danger." The grateful Earl treated Godwin as his son, and married him to his sister; and to oblige Ulfred, he afterwards raised him to an Earl.

It is also said, in a Saxon will, made by Ethelstan, prior to the year 1010, "I give to Godwin, son of Wulfnorth, the land at Cumtune, which his father held."

Godwin was, either by birth or marriage, related to Edric Strena, the great Earl of Mercia; and, from his connection, he was early in life called to fill high stations. In the year 1024, he was appointed general of the forces; and, by attacking the enemy's camp by surprise in the night, he made them sue for peace.

This signal service was soon stained with an act of the blackest perfidy, to promote his interested and ambitious views. Alfred, the

son of Ethelred, hearing of the death of Canute, while he was on a visit to his uncle Richard, Duke of Normandy, sailed immediately for England, with twenty-five ships, full of armed men, to claim his right to the crown; and he landed at Sandwich. Earl Godwin met him at Canterbury, and joined his party, with a view of concealing his horrid design, until opportunity offered to put it in execution.

They travelled together to Guildford, in Surry, where they spent the evening in feasting; and they parted as friends. The prince, having no suspicion of treachery, neglected to place a sufficient guard to prevent surprize; and, as soon as they were asleep, Godwin returned, with an armed force, to seize the prey he had decoyed into his own trammels. In this confusion, they could not make any defence, and Godwin ordered their hands to be tied behind them, and he placed them in rows; and the unfeeling monster spared only every tenth man. The eyes of Alfred were put out; and he was carried bound to Harold, and doomed to spend the short remainder of his life in darkness, in the Isle of Ely.

Harold was proclaimed King, by the influence of Godwin; who was looking forward to aggrandize himself and his family, by expecting a considerable share of the royal favors; but the premature death of the King clouded his delusive prospects.

The Earl then endeavoured to make his peace, by presenting rich presents to Hardicanute; but the nobility were so highly incensed against him for his treachery, cruelty, and deliberate murder, that he found it necessary to quit the kingdom, to avoid their resentment. He sailed to Denmark, and there he waited for a favorable opportunity to sue for peace. When he had been about four years in exile, Edward the Confessor, a prince of singular piety and clemency, ascended the throne; and Godwin hoped, that time had blunted the edge of his resentment, and that he might be appeased.

After he had prevailed with his relations to solicit his pardon, he returned to England. When Godwin was introduced into the assem-

bly, where the King and the great barons were met, Edward accused him of the murder of his brother Alfred. The Earl, in pleading his cause, laid the whole blame upon Harold; and as he was gone, Godwin put himself upon his trial. When he had concluded his speech, the Earls and the Barons were divided in their opinions, until Leofrie, the Earl of Chester, delivered his sentiments; and as his integrity and piety had gained him great respect, his speech had a considerable weight with them. He acknowledged, that after weighing every circumstance, it appeared to him, that the death of Alfred was procured by the Earl; and he advised, that Godwin and his sons, and the twelve peers who were his friends, and his relations, should each of them take as much gold and silver as they could carry, and offer it to the King, in the most humiliating manner; and after swearing fealty, and doing homage, he should receive his pardon, and the restoration of his lands.

This act of clemency in the King invested him again with wealth and authority, and he was once more the patron of powerful Barons, who, with their tenants, were always ready to follow him in the field. Though he was restored to all his privileges, they were very far from satisfying his ambitious desires; and he seemed determined, that if he could not be the first man in the kingdom, he would so far be the greatest, as to rule the sovereign of it.

While he was the guardian of the Cinque Ports, he shared the revenue of Dover with his royal master; and he had Godnestone, near Sandwich, given him by the King, to make some additional works in the Castle. With the profits arising from this grant, he extended the entrance into the Roman fortress,* by removing the ramparts between Colton and Arthur's gates. On the opposite side he made a vallum across the Roman ditch, with the earth from the parapet; and he probably built the wall^a within the parapet, from the

^a Plate v, fig. 10, x, m.

^{*} Plate v, x, x, x.

angle near Colton gate, round the Roman fortress; and continued it across the new vallum which he made to a gateway^{*} adjoining the wall, in which he built his tower.^{*} This was placed about the middle of the wall, between the new gateway, and the angle of the first Saxon masonry, and there was a large sally-port under it for horsemen, and it was called Godwin's tower. That part of the Roman ditch, which had been left unfinished between the two vallums, required but little labour for the passage from the sally-port gate, in the exterior wall, to the interior parts of the Castle.

It is not to be supposed, that Earl Godwin would have built a solitary tower in a short curtain, if the masons had not been employed to strengthen the works prior to his time; for a tower with a sally-port, could have been of but little service, if his had been the first erected.

After the Norman Conquest, apartments were built over the passage to the sally-port, for the King's wardrobe, and for lodgings for his suite, when he came to the Castle; but time has long since crumbled the building into ruins; and the souterrain below received the rubbish, and obstructed the passage, and the gate was closed up.

The arch in the wall leading to the souterrain, is still remaining, and may be seen on the outside; but within, all traces of the old works are buried, and the connecting parts of Roman and Saxon plans intricately destroyed.

The Earl had sufficient reasons for strengthening this Castle; for his haughty spirit was always hurrying him into difficulties. After the affray which happened between Eustace, Earl of Bolougne, and the inhabitants of Dover,[†] his behaviour to the King proved, that his mind was not humbled by contrition. He refused to obey the commands of his sovereign, and, in the early part of the contest, Eustace gained the possession of the Castle.

^{*} Plate v, fig. 3.

^{*} Fig. 4.

[†] See Hist. of Dover.

This wounded the pride of Godwin so deeply, that he determined to wrest it from him by force. Though his conduct was reprobated, both by the King, and many of the great Barons, he collected his retainers, and he and his sons raised men in different counties; and when he found himself at the head of a considerable army, he sent a message to the King, to require him to deliver up the Earl of Boulogne, and his followers, then in Dover Castle, or he would endeavour to compel him.

He wished to recover his principal fortress, before he proceeded to extremities, as he could there defend himself against a superior force, if he was unable to keep the field; and if he was obliged to quit the contest, he could easily retire to the continent.

The King rejected his proposal with disdain; and Godwin, judging by some of the Earls who were with him, that he should be able to meet the King in the field, proposed an amicable meeting, at the head of his army, in London. He quartered his men in the Borough; but they soon saw, that there was but little probability of any accommodation, and less of success. Thus situated, they gradually withdrew themselves from a doubtful and hazardous contest; and Godwin found it would be prudent to escape from the threatened danger, and he embarked, with his lady and three sons, for Flanders.

As he had forfeited his immense possessions by this act of rebellion, he determined, that he would not leave the restoration of them again to the King's clemency. He collected a fleet, and sent his two sons, Harold and Leofwyne, first to Ireland, and from thence they sailed to the Severn, and did considerable damage on the coast. They next directed their course up the Channel, and collected all the ships they could find at Hastings, Romney, Hythe, Folkstone, Dover, and Sandwich. Some joined them through fear, and others with the hope of plunder. When they had collected a formidable fleet, Godwin joined them, and he endeavoured to raise men in the counties of Kent, Sussex, Surry, and Essex; and they sailed from Sandwich through the

large estuary, between Thanet and East Kent, to the Thames; and they arrived at London before the King was prepared to oppose them. Though Edward had collected a large body of horse and foot, they did not seem much inclined to risk their lives in the quarrel; and the King found it would be prudent to make a virtue of necessity, by restoring the turbulent Earl to his property.

The life of Godwin was drawing towards a close; and the historians who have recorded the concluding scene of it, have represented the tragical event as a judgment from heaven for his wickedness. They inform us, that as he was at the table with the King, at Winchester, that Harold, Godwin's son, attended as cup-bearer; who, upon entering the room, stumbled with one foot; but so far recovered himself with the other, as not to spill the wine. The Earl, smiling at this slip and recovery, said, "thus may one brother help another." The King changed countenance, and said, "so my brother might have helped me, if it had pleased Earl Godwin."

The Earl declared his innocence; and wishing to remove the King's suspicions, he called upon God, as a just judge, to choak him with the bread he was about to eat, if he was guilty. He spoke; he endeavoured to swallow; he fell back, and died.

His lordships and manors were numerous, and he was considered as one of the most powerful of the great Barons. He had much wealth, was a most consummate dissembler, and he had the art of getting the people to join him in any faction. He was skilful in deceit, an opposer of Kings, and he reluctantly yielded to any superior.

Though Godwin had but little pretensions to religion, he so far complied with the custom of the times, to give something for the good of his soul; and he gave to the church at Canterbury the town and lordship of Stislade, and Cogshall, in Essex; and also Chich, which was given him by Canute. Earl Godwin's were the last material alterations made in Dover Castle during the reigns of our Saxon Kings.

*Clinton's Tower.**

There were three towers built upon the exterior bank of the Roman ditch, prior to the building the walls and towers, which were added towards the close of the reign of William the First. They were intended as out-works, and one of them was evidently designed to defend Colton gate; and another, the entrance near Earl Godwin's tower. Officers were appointed to defend them in the beginning of the reign of the Conqueror. Clinton's tower was built on the north-east side of the Roman fortress, and near the vallum made by Earl Godwin across the ditch. It is uncertain how long this tower was continued as a place of defence, or when it was destroyed; for the scite of it was not precisely known, until the year 1794, to any person of the present day. The workmen, while sinking the ground for a new road, dug up the last remains of the foundation; and there is not now left one stone upon another, to point out, to any future antiquary, where it once stood.

Jeffery Clinton, who commanded in this tower, took his surname from Clinton, in Oxfordshire.

While one derives his descent from Wevia, sister of Gunora, a duchess in Normandy; another, who was a cotemporary, mentions his having been raised from a low origin, by royal favour. He was, by profession, a soldier, and he had several honourable and lucrative offices. He was chamberlain and treasurer to Henry the First, and chief justice of England.

Kenelworth was given him by the King; and, being delighted with the situation, he built a tower there, and founded a house for the black friars, and he was a liberal benefactor to them. By the foundation charter, he granted to them a considerable quantity of land in Warwickshire, with the church of Wotton, and one hide of

* Plate x, fig. 16.

land at Sibberton. He gave them also the church of Clinton, in Oxfordshire; and the manor of Barton, in Northamptonshire.

In order to make full compensation for his sins, and the sins of his ancestors, he gave the monks liberty, for their cattle and their hogs to feed, either within or without his park, with his own cattle; and for their servants to feed their hogs with his tenants, on his lands not inclosed.

In another grant, he added a full tenth of whatever should be brought into his castle, either for his kitchen, larder, granary, or hall, whether bought or given, of corn, hay, pork, mutton, bacon, venison, cheese, flesh, wine, honey, wax, tallow, pepper, and cummin, even if they had been tithed before; and all the skins of the lambs killed for his table, or which died casually.

To these liberal and singular grants, he added the manor of Hitchenden, in Buckinghamshire; the church of Stone, in Staffordshire; and liberty for the monks to fish every Thursday, either with boat or net, in his pool at Kenelworth.

*Valence Tower.*¹

This was a circular tower, on the south-east side of the Roman fortress. It is not known when it ceased to be a place of defence; but it was, at an early period, made use of for a mill, for grinding corn for the garrison, and was called Mill-tower. It was destroyed in the American war, upon a plan of economy, by the ordnance board, but the materials never paid the expence of pulling it down.

William Valence, who commanded in this tower, gave his name to it. He was the son of Hugh le Brun, by Isabella his wife, and widow of King John. He took his surname of Valence from the place of his birth, in France; and being nearly allied to Henry the

¹ Plate 2, fig. 17.

Third, he sent for him to come to England, and he was appointed governor of Goderic castle; and it was by his influence that he took for his second wife, the only daughter of Waine de Munchent, a great Baron of the realm.

At the festival of Saint Edward's translation, he was knighted; and at a tournament held by Richard, Earl of Gloucester, the King shewed his partiality to him, by giving him the castle and honour of Hertford; and the amount of the debts contracted by William de Lancaster, and owing to the Jews.

He afterwards gave him the lands of Robert de Punvelarche, until he could bestow on him something equivalent to them. He was signed with the cross, with several others, to visit the Holy Land, in the thirty-fourth year of the reign of Henry the Third.

Valence gave proof of the insolence of a royal favourite of that day, by hunting in the park of the Bishop of Ely without leave; and wanting refreshment, he went to the manor house, where, finding only ordinary beer, he broke open the cellars; and he and his companions, after drinking their fill of the best wines, pulled out the spigots, and left the remainder to run out of the casks.

He was considered as one of the King's evil counsellors; and, fearing the resentment of the great Barons, who were dissatisfied with his conduct, he found it necessary to go to the continent. When their anger was a little appeased, the King followed him, and, on his return, brought him back with him; but the Barons would not suffer him to land, until he had sworn to observe the ordinances of Oxford.

At the battle of Lewes he was called the Earl of Pembroke, and he was one of the principal officers in the King's army; but, upon seeing the day lost, he fled to Pevensey, and from thence to the continent. His lands were seized by the Barons; and his lady, though far advanced in her pregnancy, was compelled to take shelter in a religious house. Such were the sudden reverses of fortune, during the

civil contentions, in the reign of Henry the Third, that many experienced but a short interval between profusion and poverty.

Valence continued a favourite with Henry, and Edward the First; and he obtained grants of forfeited lands from both his royal benefactors.

He was slain at the battle of Bayonne, in the year 1296, and there was a noble monument erected to his memory in Westminster Abbey. Near the scite of Valence tower, there is a bomb-proof casemate, in the bank of the Roman ditch.

*Mortimer's Tower.**

This was a quadrangular tower, to defend the entrance at Colton gate. The basement story, in this building, was sunk several feet in the solid rock, and part of the walls are yet remaining under ground. There is a stone door frame, in the angle in the wall, next Colton gate, which might lead to a souterrain that opened into the Saxon works.

It is very probable, that this tower was first levelled to the bank, in executing some reforming system, and that the rubbish was cast into the excavation, and filled up a considerable part of it. The various alterations this Castle has undergone, have been far more destructive to the ancient masonry, than the gradual operations of time.

Ralph de Mortimer, who commanded in this tower, was the son of Roger, who was allied to the Duke of Normandy, and was a general in his army, before he came to England. He was sent by the King into the marches in Wales, against Edrich, Earl of Shrewsbury, who refused to submit to the Norman yoke. He compelled the Earl to take shelter in Wigmore castle, where he sustained a long siege;

* Plate x, fig. 18.

but necessity compelled him to surrender to Mortimer, who delivered him up to the King. For this service, he had a grant of all his lands.

In the first year of the reign of William Rufus, he joined the discontented Barons in the rebellion, begun by Odo, Earl of Kent, in favour of Robert Cuthose; and, with the assistance of the Welch, he did much mischief in Worcestershire. He was afterwards taken again into favour, and continued loyal to the end of his life.

He had, at the time of making the Norman survey, five lordships in Buckinghamshire, eighteen in Yorkshire, besides divers hamlets; ten lordships in Wiltshire and in Somersetshire; thirteen in Hampshire; one in Oxfordshire; four in Worcestershire; seventeen in Lincolnshire; two in Leicestershire; fifty in Shropshire; nine in Herefordshire; and the castle at Wigmore was his principal seat.

This is a striking proof, among many others, of the liberality of William the First to his Norman favourites, when he could be liberal, at the expence of his English subjects; and many of them were ruined, to gratify the avarice of a grasping individual. This extensive property was divided between two sons.

Arms—Barry of six, or and argent, on an escutcheon ermine, on a chief of the first; three pales between two gryonies of the second.

*Colton Gate.**

This gate and square tower were built over the original entrance into the Saxon ground works. It was probably considerably altered after the Norman Conquest, and fitted up for the residence of the chaplain, and for defence, and it was committed to the care of Fulbert de Dover. He appointed an officer to keep guard in it, and he granted lands in his lordship at Chilham for that purpose.

In the reign of Edward the Third, Lord Burghersh commanded in this tower; and his arms are still remaining in the front of it, in a stone shield—a lion rampant, double tailed, or.

* Plate x, fig. 19.

Froissart says, that while the King besieged the city of Rhiems, Burghersh besieged the tower and castle of Corunay, which was defended by Sir Harry de Vanlx, who wore black armour; and his arms were five almonds argent, on a shield sable; and his war-cry veave.

This castle belonged to the Archbishop of Rhiems, and it had a large square tower, which was not to be taken by assault. Burghersh employed his miners to work under it, and to prop up the ground with timber. When his miners informed him that they were under the tower, he went to the walls of the castle, and desired a parley with the knight. When Sir Henry came upon the battlements, he asked what he wanted? Burghersh requested that he would surrender. The French knight laughed, and said, we are plentifully supplied with every thing, and certainly we shall not surrender to day. Burghersh replied, if you knew your danger, you would do it; and if you will see it, I will grant you safety, and shew it you. When Vanlx came, with three other persons, and saw their situation, he surrendered; and as soon as they were all marched out, with their baggage, they set fire to the the props, and the tower fell, and divided in two parts. Now, said Lord Burghersh, you see we told you the truth. We own it, said Vanlx, and thank you, and remain your prisoners.

The wall round the Roman rampart in Dover Castle was connected with Colton gate; but the part of the wall to the angle,* was taken down in the year 1772, and one man was killed, and several hurt, by the fall of it. The present generation seem impatient with the gradual operations of time upon the works of their ancestors; and they level by force, what it would take ages to accomplish, without answering any one useful purpose.



* Plate v, x, n.

According to tradition, the college of the first canons was built in the quadrangle, inclosed by a wall from Colton to Harcourt tower; which space is now occupied by apartments for soldiers.

*Harcourt Tower.**

This tower was built near the angle of the quadrangle, on the south-west, and over a passage, inclosed by two parallel walls, leading from Peverell's tower.

In this caponnier, or concealment, the archers, through the slips in the walls, could command the vallum before the governor's apartments; and an enemy would have been exposed to their arrows, while ascending the hill, on the side next the town, and near the cliff.

In the wall on the right side, going up this caponnier, there was a door which opened into the quadrangle. The two sides of Harcourt tower, built over the passage, were supported by arches, to open a way to Souterrain gate, where there was a considerable ascent, by a flight of stone steps, to the area before the gate at the Duke of Suffolk's tower.

This caponnier has been destroyed, at different times; but in the year 1797, the demolishing hand of modernizing engineers put the finishing stroke to the connecting parts of the Saxon masonry and Harcourt tower, on this side the keep; and the end of the interior ditch at this place is filled up, to make a way for carriages from the vallum, across the quadrangle, to the new well. The ancient plan of the Castle, at this part of the keep, cannot any longer be traced by a stranger.

Harcourt tower either took its name from the officer who commanded it, or from the manor of Harcourt, in Oxfordshire, which was granted by William the First, for keeping ward in this tower, and for repairing it.

* Plate v, fig. 5, 6.

* Plate v, fig. 6.

Robert de Arsick, one of the confederate knights, appointed William de Harcourt to this tower, whose father Roger accompanied Duke William to England. He joined with Henry the First against Robert Cuthose; and he commanded the troops which defeated Walerande, against Beaumont, Earl of Mallent, in the battle fought in the year 1123. For his services, he was rewarded with large grants of lordships and manors.

Harcourt tower, Souterraine gate, and the wall which connected them with Well tower and gate, are also intirely destroyed; and a stranger can no longer trace the ancient foundation of the buildings at this place.

*Well Tower, and Gate.**

This tower derived its name from the well in it. The gate, which connected the tower with the wall, on the side of the quadrangle, is destroyed, neither is there any trace of it left.

This well is about three hundred and eighty feet deep, but when it was dug is uncertain; as it is not within the Roman fortress, it cannot claim a Roman origin. They had a well within their fortification, and about two hundred feet of it have been filled up. The top is now arched over. There is a third well, near Colton gate, which is most in use by the garrison.

About the year 1800, a bomb-proof work was erected over this well; and the labourers, in clearing away for a foundation, came to one of the caves in the rock, which had been designed either for lodging the Saxon soldiers, or depositing their stores. In the year 1802, this well was sunk five feet. Two of the miners, in descending with a lighted candle, met, about two-thirds of their passage down, a stratum of mephitic air, nearly six yards thick, which extinguished their light. One of them, in passing through, nearly lost his life; but

* Plate v, fig. 12.

under it they found atmospheric air. The temperature of the air, and of the water, in this well, about noon, on the twenty-eighth day of September, 1784, was found, by Mr. Six's thermometer, as follows,

At the top, 56°—Middle, 52°—The water, 48°.

*The Armourer's Tower.**

The wall which inclosed the area between the Saxon and Roman fortress, connected the well with the Armourer's tower. In this building they had a forge, for making and repairing their arms, which they used in defence of the Castle. The last remains of this tower were erased from the foundation, in the alterations made in this part of the Castle, between the years 1795 and 1796.

*King Arthur's, or North Gate.**

This gate led from the area before Palace gate, into the Roman fortress, and there was a passage, between two parallel walls, to the Roman works, and Earl Godwin's sally-port.

All the masonry at this gate is dug up from the foundation; and a part of the Roman fortress is levelled with the quadrangle.

The connecting parts of the ancient works are all demolished; and the hand of man has done more in levelling the ancient works in a few years, than time has done in ages, at this part of the Castle.

Duke of Suffolk's Tower, or Palace Gate:†

The entrance into the Saxon keep, at this gate, was once secured with a port-cullis; and the grooves in the stone work are still remaining.

* Plate v, fig. 21.

† Fig. 14.

‡ Fig. 1, 2.

After entering the gate, immediately on the right hand, there is a tower, which originally was only a recess in the wall, and open in front; but it has been enclosed, and apartments fitted up for the reception of those who commanded in the tower.

Edward the Fourth expended a considerable sum in repairing and decorating this building with lions and fleur-de-lis, for the accommodation of the Duke of Suffolk, who had married his sister.

The father of this Duke had great influence with the Queen; and he was accused with being concerned in the supposed murder of the good Duke of Gloucester, which raised a general murmuring among the people; and it was thought expedient to check the public discontent, lest it should lead to a further discovery.

Lord Cromwell accused De la Pool of a similar design upon himself, by assembling with several of the Lords of the King's council, and by his servants being about the gate at Westminster-hall, while he was with the Queen; and he also accused him of treason. He was apprehended, and after a short confinement, he was ordered into exile for five years.

The Duke, the night after his enlargement, left Westminster, to go to Suffolk; and he there received the sacrament, in the presence of several knights and gentlemen in that county; and he took an oath before them, that he was innocent of the treason of which he was accused.

He embarked at Ipswich, on Thursday the thirtieth day of April, for the continent; but by the ignorance, or the design of the captain, they arrived in Dover Roads, where there were two or three ships expecting him. One of them was named the Nicholas, of the Tower, and the master had some knowledge of the Duke, or where he was going. As soon as he saw the Duke's ships, he sent out a boat, to inquire who they were; and being told, they said their master wanted to speak with the Duke, and he went with them in the boat. As soon as they came near, the master cried, welcome traitor. He next inquired

if the Duke's men would protect him; and on being informed they would not, he proceeded to a trial, and found him guilty. The Duke was then forced out of the ship, on board of the boat, and one of the lowest of the seamen ordered him to lay down his head on the side of the boat, and he should be fairly dealt with. He then took a rusty sword, and with five or six strokes cut off his head. The executioner took his gown, and his doublet of velvet, and his body was laid on the sand at Dover, and it has been said, that his head was placed on a pole near it. The sheriff of Kent guarded the body, until he could procure intelligence from London, how to proceed. The body was taken from the shore at Dover, and conveyed to the collegiate church at Wingfield, in Suffolk, and interred there under an altar in the chancel.

*The Old Arsenal.**

The next tower in the curtain was converted into an arsenal, and different machines and arms, which had been used, from a very remote period, for the defence of the Castle, were deposited there; and tradition had given them a Roman origin. Darell, who had seen and examined some of them, admired their workmanship; and he thought they might have been used in the Castle, as early as the reign of King John, or Henry the Third.

It is now impossible to give any decided opinion upon this subject, as none of the arms have reached us; but it will require a considerable degree of credulity to suppose, they were more ancient than the Norman Conquest.

*The King's Kitchen, and Offices.**

The whole space between the old magazine and the eastern angle of the Saxon keep, was occupied by a kitchen and offices, for the use of the King, when he visited the Castle. They were probably fitted

* Plate v, fig. 3.

* Fig. 4, 5.

up for that purpose in the time of Edward the First, who frequently came there on business. In the year 1745, barracks were built upon the scite of these offices; and if the fronts of them were not carried up new from the ground, they were cased over, for they have a modern appearance, when compared with the ancient masonry.

*Arthur's Hall.**

The space on the north-east side of the keep, which is now occupied by a mess room, kitchen, and barracks, was anciently the scite of a large room, called King Arthur's Hall, built in the front of the three towers.²

In the dark ages of feudal ignorance, a large hall was deemed the necessary appendage to a baronial house, where the lord might receive and entertain all those who, by their tenure, were obliged to follow him in the field; and as this room was built upon an extensive plan, the monkish writers concluded, that it must have been occupied by some hero of antiquity; and they ascribed the building of it to King Arthur.

This story ought to be classed among the fables of history; for there are no authentic remaining records to countenance the supposition, that Arthur ever dispossessed the Saxons of Kent, or took from them Dover Castle. The actions of this hero have been so much obscured by the inventive genius of minstrels, that it has induced many to doubt, if there ever was such a person.

The British bards, in their songs, considered him more than mortal. They sung his victories over giants and knights, which never existed; and they extended his conquests over nations he never saw; but the time of his appearance, and the province from whence he emerged, may both be questioned. If he led on the warriors of

* Plate v, fig. 13, 13. ² Fig. 17, 17, 17.

Cornwall and Devonshire, against the leaders of the Somerset heroes, and if he fought all the battles mentioned by his historians, it is time to strip him of his fame, as an architect on the Castle hill at this place.

It is much more probable, that the room was built in the time of Alfred, for the use of the garrison, when he first sought the aid of the mason to strengthen the works; and as it was large, and characteristic of a rude and a barbarous age, emerging from a long night of ignorance, it may, without straining a conjecture too far, be considered as a Saxon building, of the time of Alfred.

In the wall, on the back part of the present buildings, there are four towers; but it does not appear that they were used as places of defence, in the time of William the First, after John de Fiennes was appointed Governor of the Castle; for both records and tradition are equally silent, respecting any lands being given to repair and keep ward in them.

*The King's Gate, and Bridge.**

The entrance into the Saxon keep, at this place, was defended by a strong out-work, which inclosed a small area before the great gates. Some of the ruins of it are still remaining. From the walls of this out-work, the archers could command the whole vallum, from Peverell's to Albrincis's tower.

As there is no appearance of there ever having been a port-cullis at the entrance into this out-work, it is probable, that they had only a drawbridge, to secure the passage at this bridge.

The walls at this place were, in some parts, ten feet thick, cased with flint, and filled up with chalk, rubbish, and mortar, which has been considered as a proof of its being Saxon masonry.

There was a port-cullis at the great gates, opening immediately into the keep; and on each side a tower; from which the archers could

* Plate v, fig. 9.

command the whole vallum. Though these towers were open in front, they had floors in them; for the holes are still remaining in the walls, which received the ends of the timbers.

The ground apartments were places of safety; where the soldiers could retire to rest, and the women and children remain, in case of a siege. As all the towers were open in front, in the interior walls, it is evident that our hardy ancestors did not require very close rooms to shelter them from the inclemency of a winter's sky.

*Towers in the interior Wall on the South-west Side of the Keep,
called Magminot's Towers.**

Magminot, who was Marshal of the Castle, might occasionally place archers in these towers; but the lands he held by castle-guard tenure, were for building and defending towers in the exterior walls.

Gore's Tower.†

The next building in the curtain was called Gore's tower, in the reign of Henry the Eighth. All the towers in the interior wall were for the defence of the vallum, in case the enemy had made a breach in the exterior works; but there were no lands given for keeping ward in them.

Arthur's Lesser Hall, or Guaonobour's Chamber.‡

This is an apartment in the curtain between Gore's tower and Palace gate, which was anciently called Arthur's Private Hall, and his Queen's Bed Chamber.

In the reign of Henry the Eighth, he made use of it as a store-room, for depositing his provisions, while he was in the Castle with

* Plate v, fig. 5, 8, 8.

† Fig. 9.

‡ Fig. 10.

Anna Boloyne, before he embarked for the continent. A part of his stores were shewn in a course of time, as wine and salt beef, left in the Castle by Julius Cæsar; but a tale so inconsistent does not deserve notice.

The Keep.'

This tower derived its name, by being built in the centre of the quadrangle, which was the Saxon keep, or a place of safety.

The foundation of it was laid about the year 1153, according to an ancient chronicle, by the advice of Henry, son of Henry the First, when he came from Normandy, to the relief of Wallingford castle, not long before he ascended the throne.

The architect, in erecting this building, adopted the plan which had been introduced into England by Gundulph, bishop of Rochester, for defending their strong holds. This edifice is still remaining, after a lapse of several centuries; and it has undergone many alterations since it was first built. As the mode of defence has altered in different periods, doors and windows have been added, and enlarged; and as dangers have decreased, conveniencies have been sought after, to make the apartments more comfortable.

Though time, and the mutilating hand of man, are continually making innovations, there are several characteristic parts of this building still remaining, which point out their antiquity; and they shew the inventions which were adopted by our ancestors, to defend their strong holds, when they could not face their enemy in the field.

At the time of building this keep, elegant apartments were not sought after by warriors. In places they intended to retire to, as their last resource, they chiefly required solidity and strength in the masonry, security for themselves and their stores, and concealed places for annoying the enemy in a close siege.

¹ Plate v, fig. 11.

The foundation of this keep is upwards of twenty-four feet thick, and, on the north-east side, forty-four feet of solid masonry under the stairs.

The sides of this tower are of unequal lengths. On the north-west, the side is one hundred and eight feet; on the south-west, one hundred and three feet; and on the other two sides, one hundred and twenty-three feet each.

¹The ground floor, where they deposited their stores, in the centre of the keep, is about fifty feet square, including the partition wall, in which there are three arches; and through them there was formerly a communication with the stairs in the north and south angles of the tower.

²There were originally two windows on the south-east, and as many on the north-west side of this apartment, which yielded a faint glimmering of light, and they admitted a current of air; but the architect had a further view in making them.

The two windows on the north-west side were evidently intended to defend the entrance at the gate; and the besieged could command the whole space between it and the keep; and the besiegers would have been exposed to the arrows of a concealed enemy.

The two windows on the south-east side commanded all the space between Palace gate and the stairs leading to the vestibule; and it would have been a desperate and a fruitless attempt, to have endeavoured to force the passage, as they were sure of sacrificing their lives, without vanquishing a besieged enemy.

³The windows, or rather loop holes, were constructed in a peculiar manner; and there are still remaining sufficient traces of their outline, and the uses for which they were intended, in the ancient mode of defence, before the invention of gunpowder.

¹ Plate vi, fig. 1, 1, 1.

² Fig. 2, 3, 4.

³ Fig. 2, 3—5, 4—7, 4.

⁴ Plate vii, fig. 1, 2.

'The openings in the walls, on the inside, were about eight feet wide on the ground floor; and there was a flight of steps, leading up to the windows; and they gradually diminished in width, until the last step, under the loop hole, was not more than two feet nine inches long.

It was by this flight of steps, built in the wall, the archers ascended to the opening, which was near the top of the room; and they were free from all danger, if they did not stand immediately before the window. The arch over the stairs was formed in a peculiar manner; for the front of it, in the room, was lowest, and it continued ascending with the rising of the steps to the top of the loop hole.

By this contrivance it was impossible for the besiegers, in the quadrangle, to shoot an arrow, or to cast any weapon in at the window, beyond the thickness of the wall; for as the small opening was fifteen feet above the quadrangle, every arrow shot in it passed with an ascending direction, and would of course strike some part of the arch, and fall upon the steps. The only possible mischief a missile weapon could do, was to kill, or wound a person, standing immediately before the opening; and this might easily be avoided, by taking a station on one side, and annoying the enemy in an oblique direction.

It may appear to a cursory observer, that such large spaces in the walls could not fail of weakening them very considerably; but as they were gradually contracted towards a point, and reduced to two feet nine inches, fifteen feet above the surface of the quadrangle, there could be but little probability of the besiegers making a breach in the wall, which was strengthened by the stone steps, and was nearly equal to the solid work, several feet above the ground.

' Plate vii, fig. 1. 2.

Vol. ii.

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There was a gallery¹ in the wall, on the south-west side of the tower, about fifty-two feet long, and twelve feet wide; and it had originally loop holes, near the west angle, and one on the south-west side, where a door has since been made for the powder magazine; which has been for some years in this gallery.

There was another loop hole, near the south angle, which answered the double purpose of giving a faint light to the passage leading to the stairs,² and for defence in time of a siege. There were two other rooms, near the east angle, which were the dungeons.³ One of them was about thirty feet by fourteen feet, and the other thirty-eight feet; and they had each of them a small hole in the wall, for the admission of air and light.

The present entrance to the ground floor is modern, and it was made at a loop hole, for the conveniency of carrying in stores. The original flight of steps, leading to the vestibule,⁴ were parallel with the side of the keep; and they were changed to the present form, when they made the new entrance into the keep.

The Second Story.—The ancient passage into the keep was by a flight of steps, on the south-east side, leading to the vestibule, which was about fourteen feet above the quadrangle. The military architects generally exerted their skill, to stop the progress of an enemy at this place. They had a draw-bridge, gate, and port-cullis, with concealed galleries in the walls, for the archers to defend this important pass. On the right hand, going into the vestibule, there is a small room,⁵ which was originally a place of defence, appropriated to the knight, or the officer, who was there on guard, when the King, or any person of distinction, was in the keep on a visit; or when it was besieged by an enemy.

¹ Plate vi. fig. 10.

² Fig. 13.

³ Fig. 12, 12.

⁴ Plate viii, fig. 1, 3.

⁵ Fig. 2.

Opposite to the guard room, there was a very handsome chapel, richly ornamented, with arches, after the manner of the Saxons, which are yet in good preservation. This was intended for the King's use, or for the governor, in his absence. Under this room, and the vestibule, is the dungeon, mentioned in the ground plan.

Between the eastern angle of the keep, and the side of the wall of the chapel,¹ there is a large arch, with a revele, to receive gates, at the foot of the stairs leading to the royal apartment on the third story. If they had gained the second gate at the vestibule, there was a third arch, about half way up a noble flight of steps, where there was probably another gate, or port-cullis; and on each side of the stairs, in the walls, and on the landing place, there were concealed galleries for the archers; and they could have made dreadful havock with the besiegers, without having been seen by them.

The second floor is of the same size with the first; but it is divided by a wall into two separate rooms.

There is a window² in each of the centre rooms,³ on the north-west side, and they were both anciently intended for defence; but they have been altered and enlarged, to make the apartments more comfortable, since these strong holds have ceased to be resorted to as places of security.

The stairs,⁴ in the north angle, have been closed up by the masons, as high as the second floor, to prevent the soldiers getting down to the stores, on the ground floor; and this led Mr. King to suppose, that there never had been any communication between them, lower than the second story.

In the wall, on the south-west side, there are two galleries,⁵ with an enlarged window between them. There were also originally two loop holes⁶ in each of the galleries, and one in the passage leading to

¹ Plate viii, fig. 5.

² Fig. 7, 7.

³ Fig. 5, 5.

⁴ Fig. 8.

⁵ Plate viii, fig. 9, 9.

⁶ Fig. 11, 11.

stairs, in the south angle; but they have been altered, for the admission of air and light into the rooms. There are recesses¹ in these galleries, of different dimensions. In one of them, a fire place has been made; and if we may judge by the workmanship, it was done about the time of Elizabeth. It is very different from the original masonry. These recesses were never originally intended for the conveyance of smoke.

As the only entrance into the keep was by the vestibule, before any alteration was made, and by the stairs, on the north-east side, to the third story, every thing they wanted must have either been carried by that conveyance, or drawn up by some mechanical contrivance on the outside; and even then, it would have been impracticable to have conveyed their stores down a circular staircase to the ground floor, where they deposited them.

The original intention of these recesses were, for letting down, or drawing up stores, into the different apartments, and to the terrace, on the top of the keep; for it would have been impossible to have conveyed the beams, which were used in the catapultæ, in the balistræ, and the magnonels, and the other machines required in defending their strong holds, in the time of the Barons' wars. I have seen balls, and fragments of stones, of a considerable size, which were dug up by the workmen, while the alterations were making in the Castle, during the war with the French republick; and which were intended to be used in some of their large machines. Those who are wishing for a more particular description of such instruments of destruction, may consult Folard's Polybius, for further information. There is a small gallery in the wall, near the north angle, and the passage to it is from the stairs.

The two galleries,² on the south-east side, were for the defence of the passage leading to the keep.

¹ Plate viii, fig. 12, 13, 12.

² Fig. 6, 6.

There have been several repairs and alterations in the wall, near the east angle of the keep. When the wall was cased with stone, by the side of the stairs, leading from the vestibule to the third story, the masons turned a large semi-circular arch in their work. When Mr. King visited this Castle, and made his remarks on the contrivances in the keep, for deceiving the besiegers, and for inducing them to waste their time in endeavouring to make breaches in the most impregnable parts of the wall, he considered this large arch, and what he called the false portal, as contrived by the architect for deceit; for he adds, "upon measuring carefully, and on examining the inside of the building, it will be found, that this imaginary entrance is directly against the solid end of the front wall."

The gallery¹ in the wall was concealed, when Mr. King examined it, and a passage was afterwards made to it from the vestibule, to pass through the second floor to the stairs in the north angle; and this was the reason of this erroneous remark.

The Third Story—Is of the same dimensions with the first and second, with galleries in the walls, and a gallery on each side, which, at the angles, form communications with each other.

The only passage to this story, in the ancient state of the keep, was by the vestibule, and the stairs on the north-east side.

The royal apartments, in their original state, were but little better than a dungeon.

The small galleries in the walls, on the north-east side of the keep, contained no more room than was necessary for two or three men, with their weapons, for annoying the enemy.

The famous well, which has been ascribed to Julius Cæsar, is in the thick wall, between the top of the stairs, and the door leading to the royal apartments. This well must have been dug by the Saxons,

¹ Plate viii, fig. 6.

prior to their building the keep; or the Duke of Normandy never would have exacted an oath from Harold, to deliver it up to him, at the death of the King.

This well has nearly been filled up with rubbish; and it has been covered up so many years in the wall, that some doubt whether there ever was such a well; but it has recently been uncovered, and the fact is again established.

The steeming of the well was done from the surface of the ground, when the well was inclosed in the wall on the side of the keep, and was deemed a good piece of masonry.

An attempt has been made to clean out the well; but finding the air was very bad as they descended, the workmen were taken off.

The wall on the inside of the second story has been faced with bricks, which is ancient work; and it is probable that the recesses in the walls might have been closed up at that time; and they may remain concealed, until another considerable alteration takes place there.

When it is considered how much room the stores, the arms, and the machines for defence occupied, and the space which was indispensably necessary for a free communication to all parts of the keep, there could be but little room left for the accommodation of the garrison.

The different galleries were not adapted for any other use than as places of defence; and the apartments on the second and the third stories, must have served them for kitchen, for parlour, and chamber.

This was common in the feudal age; when the Barons were besieged in their castles, or their castellated mansions; and had a numerous train of detainers to defend them. They were obliged, at such times, to accommodate their followers, by feeding and lodging them in the same room. The proud Barons of the feudal age were accustomed to sleep in rooms, littered with straw or rushes; and even Kings, in winter, were glad to place their feet in them, under the table, while at dinner.

Lord Lovet, who retained the rude custom of his ancestors, resided in a house, with only four rooms on a floor, and not one of them very large. In this mansion he kept his court. He had several public tables, and a large body of retainers, always ready to follow him. In the rooms where they dined, they slept upon straw, or rushes, which were taken up in the morning. The centre rooms, in the keep, must have served for the same purposes.

The room over the chapel, and the small apartment near it, were the only separate retreats for the royal visitors, or any other great personage, who might occasionally come to the Castle.

In the year 1800, bomb-proof arches were turned over the centre rooms in the keep, at an immense expence.

According to General Roy's admeasurement, the north turret of the keep of Dover Castle, is $95\frac{1}{10}$ feet, above the level of the ground on which it stands. The height of the ground, above the level of the sea, at low water, at spring tides, is $373\frac{9}{10}$ feet. Total height, 469 feet.

The land rises considerably in the county of Kent, in going from the coast.

	Feet.
At Folkstone turnpike, it is above the level of the water..	575.3
At Swingfield.....	530
At Padlesworth.....	642
At Severndroog Castle, on Shooter's Hill.....	482

	deg.	min.	sec.	ths.
The latitude of the north turret is	51	7	47	7
Eastward of Greenwich meridian	1	19	2	1
Which answers in time to	5.16	8	4	

The distance of it, from the under-mentioned places, is as follows,

	Feet.
From the meridian of Greenwich.....	303766. 8
From a perpendicular to that meridian.	124319. 1
The direct distance	328222
From Swingfield church.....	30559.32
From Folkestone turnpike.....	31554.58
From Fairleigh Down.....	186113
From Blancnez.....	116655.93
From Notre Dame, at Calais.....	137449. 9
From Dunkirk.....	243291. 3

The view from the turret includes the North Foreland, Ramsgate Pier, the Isle of Thanet, from east to west, Reculver church, the town of Sandwich, and the intermediate country; the town of Calais, and the French coast, at certain times, from Bolougne, to near Gravelines.

CHAP. II.

The Norman works. Their plan of defence. The prison. The Constable's and Marshal's authority. The towers, and a short narrative of the persons who kept ward in them.

Edward the Confessor, having determined to leave William, Duke of Normandy, his successor, he sent Harold to inform him of his intention. He embarked at Boschamp, in Sussex ; and being driven by a storm on the coast of Ponthieu, and detained as a prisoner by the Lord of the province, he opened his business to him, and he was then permitted to proceed on his journey to execute his commission.

When he had made known his errand to the Duke, he was apprehensive that Harold might wish to ascend the throne ; and he prevailed on him to swear, that he would deliver up Dover Castle to him, and the famous well in it, at the death of the King.

The whole history of the unfortunate Harold is represented in the Baieux Tapestry. It shews him at his devotion at Boschamp church, praying for a prosperous voyage, his two ships, his embarkation, with a hawk in his hand, and a dog under his arm ; and he and his companion are described feasting, regardless of the mortifying reflection which might prey on his mind, in being the messenger of the news which was to deprive him of the kingdom.

After the decease of King Edward, the Duke landed with his army, in Sussex, where Harold met him ; and in the battle which they fought, Harold lost both the crown and his life. Duke William, according to our historians, marched his army to Dover. Bertram de Ashburnham was, at that time, constable of the Castle, and sheriff of the counties of Kent, Sussex, and Surry ; and as his visit was unexpected, he had no time to collect a sufficient force, to oppose, with any effect, the army brought against him ; and after a feeble resistance, he was obliged to surrender, and trust to the mercy of the conqueror, who beheaded him, and his two sons, for not obeying his summons.

While the Duke halted at Dover, to refresh his men, he surveyed the works, and gave orders for the necessary repairs, to make the Castle more tenable ; and he left his sick and wounded soldiers in it, with a sufficient garrison to defend the place, and he marched towards London.

After William had gained the object of his expedition, which was the crown, he appointed Odo, the Bishop of Baieux, his brother by the same mother, Constable of the Castle. He had accompanied the Duke to England, and he was with him at the memorable battle in Sussex ; where he, and several monks and secular priests, encouraged the soldiers, and assisted in leading them on to victory.

William knew that Odo was attached to him by affection ; and he endeavoured to strengthen that attachment by interest, and to secure him, by conferring on him titles of honour, and places of emolument, and he created him Earl of Kent, and Lord Chief Justice of England. He joined William Fitz-Osborn with him, to survey all the fortifications, and places of defence, in the kingdom.

Though Odo was an ecclesiastic by profession, and a dignitary in the church, he was well qualified for secular employments ; and his wisdom and his eloquence, were as conspicuous in the council, as the synod ; and, though young, he was considered equal in abilities, if not superior, to any other person in the kingdom. In the early part of his

life, his liberality was very extensive; for he gave several rich vestments, and a large quantity of gold and silver plate, to his church at Baieux. He was generous to the religious, and he gave large exhibitions to scholars, to enable them to prosecute their studies at Liege, and other large towns, where philosophy and learning flourished. He, at the same time, was a lover of equity and peace, and he soon gained the good will of the people of England. This prelate was of an amiable disposition, when the King appointed him Regent; and gave him a power, in his absence, to build castles, in such places as he might think necessary, for the defence of the kingdom.

When the King embarked for Normandy, Odo found himself invested with authority, which neither the Earls, the great Barons, nor Bishops, dared to oppose; and, being without an equal in power, he dropped the loose reins on the neck of his ambition; and he was soon hurried away by this wild passion, to disgrace himself and his station. His insatiable thirst for the accumulation of wealth, to mature his projects, quickly corrupted those principles, which had cast such a lustre on his passed life; and, without waiting to reflect on the injustice of his proceedings, he seized on several lordships belonging to the Archbishop of Canterbury, and appropriated the rents to his own use. His rapacity for riches increased with the means of gratifying his vanity. While he was at the head of an army in the north, quelling an insurrection, he plundered the cathedral church, at Durham, of some of its most valuable treasure, without considering how the crime of sacrilege might appear in the public eye. A crucifix of saphire was among the valuable articles he took from it.

The astrologers and prognosticators at Rome, continued to fan the flame of his ambition, by pretending to foretell, that he would be the successor to Gregory, the then reigning Pope. The prospect which his flatterers had opened, soon became the nearest and the dearest to his heart; and, in his opinion, the tyrannizing over subjects in the western world, was not to be compared with the pleasure of trampling upon Kings, as practised by the Popes in Italy.

This proud and imperious prelate, forgetting those virtues which had been the guide of his youth, and neglecting the interest of his Sovereign, who had raised him the next in rank to himself, continued his exactions and rapine, until he had rendered himself obnoxious to the English nation. In a short time, he had procured one hundred and eighty-four lordships, in Kent, and four hundred and forty-five, in other different counties. If the natives complained of oppression, he imposed fines, to suppress their murmurings; and the repeated insults and confiscations, under Odo's regency, incited the most impatient of the English, during the absence of the King, to endeavour to regain their liberty, and their property, which had been wrested from them by the strong arm of power.

They applied to the Earl of Bolougne for assistance; and when the plan of operation was agreed on between the parties, it was settled that the Kentish men should assemble privately at a place fixed on; and their first attempt was to endeavour to surprise and get possession of Dover Castle, with their joint force, before day-light. Each party was punctual to their time at their rendezvous; and they marched in the dark to surprize the sentinels at their posts; but they were either heard, or discovered; and the garrison unexpectedly sallied out, before they were prepared to receive them; and by their having the advantage of the ground, they easily repulsed the force opposed to them. While some were slain in the dark, others were driven down the precipice, and the remainder fled with precipitation. The Earl of Bolougne embarked his men in haste, and sailed for the continent; and he left the Kentish men to make the best terms they could with the Regent.

When the attack was made on the Castle, the exterior walls, from the Saxon works, to the high perpendicular cliff fronting the sea, were not built; and the sally was made from the entrance into the Castle, on the bank of the Roman ditch. The skirmish was upon the uneven ground, between the fortification and the edge of the cliff, on the side of the hill fronting the sea.

This insurrection offended the Regent, and offered another plea for extorting money from the insurgents, to forward his plan then carrying on at Rome. He had purchased a noble palace there, and furnished it in the most sumptuous manner; and with considerable gifts he was endeavouring to procure the interest of the Cardinals. He prevailed on Hugh, the Earl of Chester, to accompany him to Italy, with a chosen band of soldiers; and even in the absence of his Sovereign, and without leave, he made preparations to quit the kingdom.

The King being informed of the conduct of his Regent, and fearing it might be prejudicial to his interest, and the welfare of the nation, to let him escape with so many men, and so much money, he hastened his return to England, to counteract his plans. He accidentally met the ambitious prelate, and his suite, at the Isle of Wight, on their way to the continent. The King instantly called a council of his nobles; and he informed them, that when he left England, he had given the government of it to Odo, until his return; and that, during his absence, he had robbed the churches of their rarest and richest ornaments, and by his extortions and cruelties, he had raised dangerous insurrections; and he had also seduced, by promises, a large body of soldiers, to accompany him over the Alps, which ought to have been employed against the Irish, and the Danes, in defence of the kingdom.

The King having finished his accusation, he wished to hear the sentiments of his council; and upon finding that his nobles were unanimous in their opinions, that the Regent ought not to be suffered to escape, the guards were ordered to apprehend him. At that time, the thunder of the Pope was more to be feared, than the displeasure of the Sovereign; and they refused to obey his command, because the Regent was a Bishop. In this critical situation, the King applied to the Archbishop of Canterbury for counsel, and his advice was to seize him as Earl of Kent, and not to consider him as Bishop of Baieux. The King approved of this step, and he immediately apprehended the Regent himself.

Odo pleaded his privilege as a clerk, and a minister of the gospel, and said, that he was not amenable for his conduct to any power, but the Pope's. The King assured him, that he did not mean to pass sentence either upon a Clerk or a Bishop, but his own Earl, whom he had appointed Regent during his absence; and he was determined, that he should render an account of his conduct, while he had filled the office.

The King seized his property, and sent him a prisoner to his castle at Rouen, and kept him there until his death; which happened about four years after his confinement.

Odo was liberated by the order of William Rufus, and restored to his Earldom; but as he had aspired to confer honours upon Kings, he could not easily stoop to receive them; and with him the dignity of an Earl, and a Bishop, faded in his possession. Being incapable of returning gratitude for favours, he swerved from his allegiance, and he raised an insurrection in Kent, in favour of Robert Cuthose, whom he wished to place upon the throne. He burnt several palaces belonging to the King, and the Archbishop; and he conveyed the plunder which he took to Rochester castle. From thence he removed to his castle at Pevensey, where he determined to defend himself to the last extremity. At the expiration of a six weeks siege, he was compelled to surrender for want of provisions; and upon these conditions, that he would deliver up Rochester castle, and swear to depart the kingdom, never to return again, unless commanded by the King.

Though Odo could not visit Rome, and take possession of his palace with all that pomp he at first intended, he agreed to accompany his nephew, Duke Robert, to that proud city; but he died at Palermo, on his journey, and was interred there, in the church dedicated to the Virgin Mary.

King William, on his arrival in London, soon found that there was sufficient reason to fear an invasion from the Danes; as many of his English subjects had fled from the tyranny of the Regent to Denmark; and they had endeavoured to persuade Canute, that their coun-

trymen were only waiting for the assistance of a foreign power, to free themselves from the oppression of the Norman yoke.

The precarious situation of the King's affairs was the cause of his turning his attention to the state of Dover Castle; and he determined upon extending and strengthening the works, that he might have an impregnable fortress on the eastern coast of Kent. A part of the lands, which had belonged to Odo, Hugh Mountford, and others, which he had seized, enabled him to undertake the work, and to carry it on with vigour.

He appointed John de Fienes, a trusty Norman, and a relation, Constable, and Warden of the Cinque Ports, for life; and he entailed these high and then important offices, on his heirs male; and he gave him one hundred and seventy-one knights' fees, and one quarter and one eighth part of a fee, to be held of him, in capite, by castle-guard tenure; and with the revenue arising from these lands, he engaged eight Knights to assist, and they were associated with him. The number of men each of them were to find; the towers they were to build, and defend; and the lands which were granted them for their service, were all regulated by the Constable.

The first Knight mentioned on the list was William de Albrincis, who had the lordship of Folkestone. He held of the King, in capite, twenty-one knights' fees, and for which he was to find as many men. Three of this number were, in their turn, to keep guard for a month in the Castle; and they completed their course in twenty-eight weeks.

The second was Fulbert de Dover, who had the lordship of Chilham. He held of the King fifteen knights' fees, by the same tenure, and for which he was to find fifteen men. Three of them were to be on guard at a time; and they performed their course in twenty weeks. The lordship of Chilham was probably granted to this Knight for fifteen undivided knights' fees; as they are not separated in Domesday Book. It appears that he allotted to his military tenant, a certain portion of his lordship, as knight's fees, with the privilege

of a manor; but it may be doubted, whether there were not alterations made under succeeding grants.

William de Arsick, who was the third upon the list, was Lord of Leybourne and Boxley. He held of the King eighteen knights' fees, in capite; for which he was to find as many men. Three of them were to be on guard for one month; and they completed their course in twenty-four weeks.

William Peverell was the fourth, who was Lord of Wrensted. He held of the King, in capite, fourteen knights' fees and one quarter, for which he found fourteen men, who were three at a time on guard for a month; and in completing their course in twenty-four weeks, they were deficient one man.

William de Magminot was the fifth, and he was Lord of Deptford. He held of the King, in capite, twenty-four knights' fees, and he found as many men, who were three at a time on guard for a month; and they completed their course in thirty-two weeks.

Robert de Porth, was the sixth, who was Lord of Bethshanger. He held of the King, in capite, twelve knights' fees, and for which he provided twelve men, who were three at a time on guard for a month; and they finished their course in sixteen weeks.

Robert Crevequer was the seventh, and he was Lord of Leeds castle. He held of the King, in capite, five Knights' fees, and for which he found as many men. Each of them took their turn monthly, and completed their course in twenty weeks.

Adam Fitz-Williams was the eighth, and he was Lord of Downe and Graveney. He held of the King, in capite, six knights' fees, and for which he provided as many men. Each of them were, twice in a year, one month on duty.

The number of fees held by the Constable, and each Knight, and the men they provided for the duty in the Castle, may be seen in one view, as follows.

	Knights' fees.	Men.	N ^o of weeks on duty.
William de Albrincis.....	21	21	23
Fulbert de Dover.....	15	15	20
William de Arsick.....	18	18	24
William Peverell.....	14 $\frac{1}{2}$	14	20
William de Magminot.....	24	24	32
Robert de Porth.....	12	12	16
Robert Crevequer.....	5	5	20
Adam Fitz-Williams.....	6	6	0
The Constable.....	115 $\frac{1}{4}$	115	0

The plan adopted for the defence of the Castle was entirely feudal; and the constable and his confederate knights proceeded in the same manner, as a chief and his followers, who had conquered a province by the sword, and held it as allodial possessors. The men who acted under the knights were military tenants, and they were at the call of their superiors; and by the nature of their tenures, they were sworn to do suit and service, and to watch and ward, in the Castle; and they were called watchmen. They were superior to a common soldier, and their stations were in the towers, in the exterior walls.

The whole garrison, in the time of war, was to consist of one thousand foot, and one hundred horsemen, besides the constable and his knights, and their military tenants.

John de Fienes having settled the plan of defence, and for extending the works, he and his associated knights undertook to build each their tower, and to connect them with a wall, and other additional buildings, as they found it necessary, to secure the Castle.

The Norman masonry may be traced, by beginning at the edge of the cliff, on the south side, and proceeding northward, from tower to tower; and then following the curve of the wall to the opposite side, where the curtain terminates.

As many alterations have been made in different parts of the Norman works, which will prevent the antiquary from judging of the ancient state of the Castle, in the circuit round the exterior wall, it may be necessary to remark, that for the last fifty years, it has been deemed expedient to apply a part of the public money in repairing, or, in the technical phrase, reforming the works in Dover Castle. When we were threatened with an invasion, by the French consul, it was judged necessary to revive a method of fortifying, which had long been exploded, even when our fleet had a decided superiority over our enemy on the ocean. Fifty thousand pounds were voted to make Dover Castle tenable for fourteen days; and engineers, surveyors, miners, mechanics, and labourers, appeared on the coast, to cast up mounds and ramparts; to excavate the rock for souterrains, casemates, and mines; to erect caponnières; and to add outwork to outwork, to strengthen this ancient ruin.

Near the edge of the cliff, and not far from the end of the wall, a shaft has been sunk, one hundred and ninety feet deep, to form a communication with Moat's Bulwark, which was built at the foot of the cliff, by Henry the Eighth. In this shaft there are circular stairs; and when the Prince of Wales visited the Castle, in the year 1798, he was conducted down it, as the nearest way to the town.

The first building of any note, of Norman origin, in the curtain, was a gate-way, called

*Canon, or Monks Gate.**

This building had apartments over the arched passage, with battlements; and being nearly opposite the tower over Eastbrook gate, at the end of the town wall, and at no great distance from it, there was no fear of an attack, at this part of the Castle; for the besiegers would have been exposed to the archers in both towers.

* Plate ix, fig. 21.

This gate afforded a safe and expeditious intercourse between the inhabitants of the town and the garrison.

It is uncertain when this gate was taken down, and the passage closed up; but it was not until after the mode of defence was altered, and cannon were introduced.

When the walls of this gateway were levelled nearly with the ground on the inside of the curtain, a platform was made, by filling up the passage with rubbish, and building up the gateway with masonry; and cannon were placed upon it.

In clearing away the earth at this place, in the year 1797, the stone frame of the old gates, and the arch, and the iron hooks on which the gates had moved, were found remaining on the inside of the front wall of the battery.

As the gates did not hang many feet above the bottom of the present ditch, there could not originally have been any bridge here; and it was probably intended as a private passage, for conveying stores from the town to the castle, in the time of a siege.

After the demolition of Monks gate, another was made in the wall, a little further from the cliff; and the arch of it was remaining in the curtain, until the year 1797; but the passage had been for many years closed up with masonry. Records are silent in every thing relating to it. The recent additions, and the alterations at this place, have all been made under the old idea of the advantage of having an easy and quick communication with the town. A new military road has been made, from the foot of the hill, on a gradual ascent of one foot in eleven, to the entrance at the new bridge.

In sinking the ground within the Castle, to level it with the new road, the workmen came to a souterrain, excavated out of the solid rock, several feet under the present surface; but the use for which it was originally intended, is now very uncertain.

Several new buildings have been erected here, between the edge of the cliff and the new gateway; for there are barracks, a bakehouse,

kitchen, and a magazine, all of masterly workmanship; but whether they were necessary, or will be of any real use, time only will determine.

In clearing away the ground, near Monks gate, a well was discovered, which was probably sunk for the conveniency of those who occupied the apartments over it.

As there have been several wells found in different parts of the Castle, it has been supposed, that they were originally intended to let down persons to listen, if there were any miners at work near them; and they have been called sounding wells. It seems very improbable, that wells should have been sunk, one hundred and fifty feet deep, for such a purpose.

There is a caponnier in the ditch under the bridge, and a tete-du-pont, or an outwork, to annoy an enemy marching up the military road; and several other precautions have been taken, to defend the entrance to the Castle at this place.

*Rokesley's Tower.**

This was a circular tower, built by Albrincis, and it has been called by his name; but the tower, in which he commanded, is on the north-east side of the Castle. Several of the towers had open fronts, and without the least accommodation for the watchmen, when they were not on duty. This obliged them to build houses, near their stations; and Thomas de Rokesley, of Lenham, had a house belonging to this tower, near the old gate.

He probably descended from Malerinus de Rokesley, who settled at North Cray, in Kent, in the reign of William the First. It was the custom of those, who commanded in the different towers, to have their arms cut in stone, and fixed in the wall, to shew from what family

* Plate ix, fig. 22.

they descended ; and it is very probable that they were removed, either at the decease, or at the resignation of the commander, as very few of them have reached our time.

Thomas de Rokesley's arms were—Argent a fesse, between three estoiles.

*Fulbert de Dover's Tower.**

This is a square tower, and the next in the curtain towards the north. It was built by Fulbert de Lucie, who accompanied Duke William from Normandy ; and he was selected by John de Fienes, for one of the confederate Knights, for defending the Castle. When he entered on this honourable service, he changed his name to Dover. Chilham was the head of his barony ; and when his personal services were not required in the Castle, he retired to his baronial mansion, to enjoy his rural pleasures, near his military tenants.

An account of the particular manors belonging to this grant, is as follows.

In the Domesday Book, there is no mention of manors and boroughs in the lordship of Chilham ; and it is very probable that these divisions did not take place, until Fulbert de Dover had disposed of a portion of his lands to his military tenants.

Chilham is recorded, in the Norman survey, as defending itself, (or the being taxed) in the time of the Saxons, at five solins. The land was twenty carucates. In demesne, two carucates, and thirty-eight villains, with twelve cottagers, having twelve carucates. There were a church, and six mills and a half, valued at six pounds eight shillings; and two fisheries, worth seventeen pence; and pasture land, valued at eighteen shillings and seven-pence.

In the city of Canterbury, there were thirteen messuages, which rendered fifteen shillings; with nine acres of meadow land, and wood for twenty hogs.

* Plate ix, fig. 23.

In the time of Edward the Confessor, it was valued at forty pounds, and afterwards at thirty pounds; and to the Bishop of Baieux, at twenty-two pounds.

After the division of the lordship into manors, Hirst, Young Divan, and Wicherling, had each a court baron; and the knights' fees granted to Fulbert de Dover were as follows.

Chilham, two knights' fees; Hirst, one; Esturia, one; Young, one; Shillingheld, one; Eastling and North Eastling, two; Divan, three-fourths; Huntingfield, three-fourths; Luddenham, one; Sibberton, one; North Court, one-half; Tappinton, one; Ellisford, one-half; Kingston, one-half; and Wicherling, one. In all fifteen knights' fees.

Fulbert de Dover died towards the close of the reign of Henry the First, or soon after the accession of Stephen to the throne; for in the fifth year of his reign, William Fitz-Richards gave forty-two pounds eleven shillings and eight-pence for the marriage of his widow.

Hugh de Dover succeeded to the estate of his father; for he certified for eleven knight's fees and one-half of a fee, of the old scoffment, exclusively of the domain lands, when an assessment was made for the marriage of Henry the Second's daughter.

Richard de Dover, a descendant of this family, was Chief Justice of England, and he held large possessions, which had been the property of his ancestors. He founded the abbey of Lesnes, about the year 1179. Neither his wealth, nor his situation, could shield him against the cares, which so often annoy those in high stations. Being dissatisfied in himself, and incapable of enjoying his riches, he grew disgusted with the world, and laid aside the pomp of state; and put on the monks cowl, and became the prior of his own abbey. At his decease, the name of this great family became extinct; and a female, by marriage, carried the estate to an illegitimate son of King John.

Richard was probably interred, with some of his ancestors, at Lesnes; for in digging up the foundation of the chapel, in the reign of

King James, the workmen discovered a vault, in which there were several coffins, richly ornamented. Arms—Gules, three lucies hauriant, between eight cross crosslets, or.

The Prison.

In the front of Fulbert de Dover's tower, there is a house for an officer, called the *Bodar*, who is now the keeper of the jail for debtors. Under the Saxon ealdormen and thanes, the bodar was an officer, sent with messages, letters, precepts, and warrants, by the superior of a particular franchise. The original title is still retained; and all warrants for the arresting of debtors, and for the apprehending of persons guilty of obstructing the revenue officers in their duty, and other similar offences, are still addressed to the bodar.

As he cannot, by virtue of this office, apprehend, and hold a man in custody, he is also a serjeant at arms. In the feudal age, a serjeant was a subordinate officer, under the marshal; and it was his duty to attend him in court, when he was sitting with the constable on trials, to arrest those who refused to obey the summons served by the bodar.

As early as the reign of Henry the Second, it was found necessary to lessen the number of serjeants, who, for their exactions and oppressions, were reduced to thirty.* Those who were suffered to act, were to have good characters, and to be of sufficient ability; but they were not to intermeddle in any thing, which did not belong to their office, under the penalty of dismission, and making a fine to the King, and satisfaction to the injured party.

An officer, called a serjeant at arms, appears to have been continued in Dover Castle, after passing the act for lessening their number; and even after the Constable himself was restrained from interfering in any civil action.

* 13 Rich. 2, c. 6.

The limits of the jurisdiction, in which this officer exercises his authority, extends, on the sea coast, from Margate, in Thanet, to Seaford, in Sussex; and the towns of Feversham and Tenterden. Within this district, every unfortunate debtor, and every aggressor of the revenue laws, if they are proceeded against in the superior courts, and apprehended, for opposing the revenue officers, are, by the serjeant, brought to the Castle, and confined in Fulbert de Dover's tower. This has, for many years, been the prison for debtors within the liberties of the Cinque Ports. The room, on the ground floor, is about twelve feet by thirteen feet. It has a window, with a south aspect, three feet square, with a small casement. This apartment, prior to the enlargement of the prison, has had occasionally two beds in it, with the feet of one of them standing near the privy, which was added about thirty years since; and prior to that time, the prisoners had no such appendage to their room.

The apartment above it is about seventeen feet in length, and the window with the same aspect and dimensions, as that below it. There are two beds in this room, with a privy, near the fire place. Prior to the year 1796, these small and uncomfortable rooms were the only places for the confinement of debtors; and to add to the horror of the gaol, there was no allowance for a prisoner, committed at the suit of the King.

It has been publicly asserted, that there is an allowance for prisoners in this gaol; and Mr. Niell particularly inquired of the gaoler, how much the allowance was, and from what fund it was given; and he confidently asserted, that there never had been any thing allowed to a single person, since he had been the keeper.

Many have found, by dear bought experience, that if they were not of a trade to work there, or if they had no friends to assist them, they could not eat.

James Neild, esquire, of Chelsea, who had often visited this gaol, and lamented the situation of the prisoners confined in it, had an

opportunity, about the year 1810, by the assistance of one of the people called quakers, to afford some relief to them; as may be seen in the copy of the following deed.

Copy of the Declaration of Trust of £800. Three per Cent. Consolidated Bank Annuities, transferred by James Neild, Esq. to the Mayor and Corporation of Dover.

“ This Indenture, made the twelfth day of June, in the year of our Lord one thousand eight hundred and ten, between James Neild, of Chelsea, in the county of Middlesex, Esquire, of the one part, and the worshipful the mayor, the jurats, and the common councilmen of the town and port of Dover, in the county of Kent, of the other part. Whereas there is within his Majesty's Castle of Dover, in the county of Kent, a prison for debtors; but the debtors confined therein have no provision whatever made for their sustenance; and whereas the said James Neild is desirous that some perpetual fund should be established for the constant supply of bread to such poor distressed debtors confined in the said gaol, as are hereafter specified; and for that purpose has transferred, or caused to be transferred, the sum of £800. Three per Centum Consolidated Bank Annuities, into the name of the said mayor, jurats, and common councilmen, into the books of the governor and company of the bank of England: Now this indenture witnesseth, and it is hereby agreed by and between the said parties to these presents, and the said James Neild doth hereby expressly declare, that the said sum of £800. Three per Centum Consolidated Bank Annuities, transferred to the said mayor, jurats, and common councilmen as aforesaid, was transferred to them; and that they and their successor shall and will stand, and be possessed of, and interested in the same, upon the several trusts, and for the several intents and purposes, and under and subject to the several powers, provisions, and agreements hereafter expressed and declared of and concerning the

same (that is to say): Upon trust, that the said mayor, jurats, and common councilmen, do and shall, from time to time, and at all times hereafter, out of the dividends, interest, and proceeds of the said Bank Annuities, reimburse and pay themselves all expences incident to the trust reposed in them by these presents, and subject thereto, do and shall, from time to time, and at all times hereafter, lay out and expend the residue, or such part of the dividends, interest, and proceeds, as circumstances shall require, in the purchase of good wheaten bread, to be distributed by the said mayor, jurats, and common councilmen, and their chamberlain for the time being, among such debtors confined in the said gaol of Dover Castle, as shall appear, to the satisfaction of the said mayor, jurats, and common councilmen, to be wholly, or in a great measure, destitute of the means of subsistence, and in such proportions, according to their number, as will best answer the end of a constant daily supply; but so as the quantum of bread to be so, as aforesaid, distributed to any one debtor, in any one day, shall in no wise exceed two pounds weight avoirdupoise; and upon this further trust, that if at any time hereafter it shall happen, that there shall remain or be (after satisfying the above mentioned trust, and due regard being had, not only to their present, but also to their future execution, in the fullest manner, according to the true intent and meaning thereof, herein before declared), in the judgment of the said mayor, jurats, and common councilmen, any disposable surplus monies out of the said dividends, interest, and proceeds; or in case the trust, in purchasing and distributing bread herein before mentioned, shall, by any future legislature provision, or in any other manner, be superseded, or become unnecessary, do and shall, from hence, and from time to time, apply the monies to arise from either of the said contingencies, towards procuring the discharge of poor insolvent debtors imprisoned in the said gaol, or in administering to their necessities while therein confined, as the said mayor, jurats, and common councilmen shall, in their discretion, deem most expedient.

Provided always, and it is the true intent and meaning of these presents, and of the parties hereto, and it is hereby expressly declared, that if at any time or times hereafter, the whole or any part of the said capital sum, Three per Centum Bank Consolidated Annuities, shall be redeemed by Parliament, or paid off, then, and in every such case, the sum or sums which shall be paid for the redemption of the said Bank Annuities, or any part thereof, shall be invested and laid out in the purchase of some other government or parliamentary stock fund or security, in the name of the said mayor, jurats, and common councilmen, in the same trust, and for the same ends, intents, and purposes, and under and subject to the same powers, provisions, and agreements, as are in and by these presents contained, expressed, and declared, of and concerning the said capital sum of £800. Three per Centum Consolidated Bank Annuities, and the interest, dividends, and proceeds thereof. And it is hereby further declared and agreed, that an account shall be for ever hereafter kept by the said chamberlain, or other proper officer of the said corporation, separate and distinct from the other accounts of the said corporation, and in a book kept for that purpose, of all and every the sum or sums of money, from time to time, to be received for and on account of the said dividends, interest, and proceeds of the said sum of £800. Three per Centum Consolidated Bank Annuities, and how the same hath been expended; to which book of accounts the said James Neild, and, after his decease, the Treasurer for the time being of the society for the relief and discharge of persons imprisoned for small debts, established in London, shall, at all times, have free access. Provided always, and it is hereby agreed by and between the said parties hereto, and the said James Neild doth hereby expressly declare, that it shall and may be lawful to and for the said mayor, jurats, and common councilmen, from time to time, and at all times hereafter, to make such orders and regulations respecting the charity hereby provided for poor debtors, as they may find, by experience, necessary for the better carrying into execution

the trust herein before declared, concerning the same charity, and according to the true intent and meaning of these presents. In Witness whereof, the said parties to these presents have hereunto interchangeably set and affixed their hands and seals, the day and year above written.

(L. S.)

James Neild."

"Signed and delivered by the within }
James Neild, in the presence of }
John Cambden Neild." }

A copy of the deed is to remain with the bodar of Dover Castle, for the time being.

He also had the prison yard paved with stone, at the expence of sixty-seven pounds, and he purchased, for the use of the prisoners, four iron bedsteads, four flock beds, with a pair of blankets and a coverlet to each bed; and two stoves, with an oven in the side of each, to bake or warm their victuals, which has rendered the prisoners more comfortable; and they are now much better off, than many others confined in privileged jurisdictions.

Large demands were formerly made for lodging in the same room of their confinement; and a considerable drawback was also made upon the scanty pittance of a prisoner for water, and for purchasing and carrying up the few articles they have had from the town.

Within the last thirty years, frequent complaints were made to the Constable of the Castle, of the rigorous confinement of debtors in his prison, and of the exactions they were obliged to submit to; and they were not made in vain. The late Earl of Guilford, while Constable of the Castle, came to inquire into the state of the prison, and he made some regulations in the old charges; and they may now be thought by some exorbitant, if compared with the fees in other prisons.

The present Fees.

To the gaoler, on commitment.....	£0	13	4
To yeoman, and porters.....	0	3	0
To discharging the prisoner.....	1	0	0
To the clerk of Dover Castle.....	0	3	0
To lodging by the week.....	0	2	6

The charges of the Marshal of the King's Bench prison, as settled in 1760.

For the use of a chamber, bed and bedding, and sheets, when provided at the request of the prisoner.	}		
On the common side, first night.....			
For each succeeding night.....	£0	0	6
If two in a bed.....	0	0	1½
On the master's side, the first night.....	0	0	1
For each succeeding night.....	0	0	6
If two in a bed, each.....	0	0	3
	0	0	2

When the prisoner finds his own bed and sheets, he pays only one shilling per week for his chamber, on the master's side.

The death of the Earl of Guilford delayed the improvements he intended to have made in the prison, and complaints were again made to his successor; and the Board of Ordnance, in the year 1796, granted six hundred pounds, for adding three rooms and a yard; and the prison was enlarged at the expence of the nation.

The old gaol, and the new apartments, are connected by an arched passage, in which there is a flight of stone steps, leading from the second story in the tower, down to the yard, which is twenty-five feet by fifty; and there is a privy at the end of it. The wall, which surrounds the yard, is so high, that the rays of the sun cannot reach the bottom, and it is cold and damp in winter.

D. P. Watts, Esq. who occasionally visited this town, and contributed to the comfort of the prisoners, had a path paved across the yard, for them to walk on for exercise.

There is a grating for the prisoners to look through, in the second story of the new building ; where they can let down the purse, to receive the contributions of visitors, in their walks round the Castle. Since the last alterations, the rooms are now comfortable and decent for a prison.

In petty jurisdictions, there are frequently some disadvantages, and there is one in this ; and although the same case will undoubtedly apply to other prisons in the kingdom, yet the hardships which have heretofore been experienced by prisoners confined in Dover Castle, for offences against the revenue laws, and which have come within my own knowledge, are such, as will not suffer me to pass them wholly unnoticed.

If a person be committed on the complaint of a revenue officer, the cause takes its regular course through the Court of Exchequer, and the sentence is generally a severe fine. If he should be found guilty of the offence laid to his charge, and is unable to pay the fine, he is sent to prison, where he may languish away several years, and there will be no inquiry made after him. When such persons have been kept prisoners until they have wasted their substance, and impaired their constitutions, they may probably obtain their enlargement, if any gentleman of fortune and influence possesses humanity and perseverance sufficient, time after time, to make repeated applications to the boards of customs and excise in their behalf. Instances of great severity, for trifling offences against the revenue, and revenue officers, may be produced, where families have been for years kept by the parish, while the husband has been confined in prison, until he could make his escape, and quit his country ; or be discharged as a great act of clemency.

That there must be prisons to receive the violators of the laws of their country, and to hold them until they are legally discharged, is beyond dispute. It is, however, much to be lamented, that the law provides no other punishment for these offences, but that of imposing fines, such as many of them are utterly unable to pay ; or, in default

of such payment, to drag on a life of confinement and misery for many years. If it should be said, that this has never happened, it is much to be feared, that such an assertion might be opposed by fact; and many instances of rigorous confinement produced, which never reached the public eye.

It is but reasonable also to conclude, that the fees of this prison should be regulated by those of the King's Bench, and the price for lodging fixed in the same proportion; and that the lord of the franchise, and his subordinate officers, should be subjected to fines for any exorbitant exactions.

Whether the Constable of Dover Castle has any legal authority for holding persons in custody, for pleas done out of the Castle, shall be more particularly inquired into, under the title of the Nature of his Duties and Office.

Chalderscot commanded in the prison tower, after Fulbert de Dover, and it was called by his name. He had a house near it; but he lived and died without an historian to record any public or private act of his life, or of his family.

*Hirst's Tower,**

The next tower in the curtain is circular, and it was built by Fulbert de Dover; and he provided a sworn watchman to keep guard in it.

John de Hirst held the manor and village of Hirst, of the Lord of Chilham, for his service in the Castle; and this tower either derived its name from him, or from the manor given to him.

As the historians have only mentioned Hirst as a subaltern officer, it appears that his birth was humble, and that he never did any thing

* Plate ix, fig. 24.

to be enroled in the annals of fame; but his name will be transmitted to posterity, with his lands, as long as this tower remains to perpetuate it.

*Arsick Tower.**

This tower, which is the next, is an irregular figure; part of it circular, and part a parallelogram; and it was built and defended by William de Arsick, one of the confederated knights. He was lord of Leybourne, in Kent, where he had a castellated mansion; but the head of his barony was at Coges, in Oxfordshire.

The lands which he held, in capite, by the service of castle-guard tenure, are the following:

In Coges and Somerton, three knights' fees and one-fourth. The lands taxed in the time of the Saxons, in both lordships, were fourteen hides. The lands in demesne were four carucates, sixteen villans, and nine borderers, with seven carucates, and four servants; fifty-five acres of pasture, three furlongs and a quarter long, and three broad; two mills, of thirty shillings rent; forty acres of land, and four hundred cels; with wood land, eighteen furlongs long, and six broad; valued, in the time of the Saxons, at nine pounds; and in the reign of William the First, at twelve pounds.

He held also, in Kent, by castle-guard tenure, the following knights' fees; in Buckwell, one; in Maplescombe, one; in Nutstead, one; in Farningham, three-fourths. In Oxfordshire, in Berescot, one; in Stanton Harcourt, two; in Feringford, one; in Bentone, one. In Dorsetshire, in Ranesham, one. In Wiltshire, in Swindune, one. In Surry, in Dictone, one. In Lincolnshire, in Carlenton, one; in Englebi, one; in Shoton, one. Total, eighteen knights' fees.

Manasser de Arsick, his son, was settled at Coges, in the year 1103. He gave the church at that place, with certain lands, to the

* Plate ix, fig. 25.

monks at Feschamp, in Normandy. This gift induced them to send to England several members of their community, and they founded a cell at Coges, to be near their benefactor; and he made them subject to their own house on the continent.

Robert de Arsick, the last male issue of this family, paid twenty pounds five shillings on the scutage for Scotland, for twenty-one knights' fees, and one-quarter part of a fee, in the reign of King John. He afterwards joined with the rebellious barons, and was taken prisoner, with several of the associated barons, and sent to Rochester castle, and his estates were seized by the King.

When the agreement was settled between Henry the Third, and his barons, his estate was restored; for when the scutage for Wales was levied, he had his discharge for twenty knights' fees, and one-fifth part of a fee.

There were divers lands, in the neighbourhood of Coges, which belonged to this family; and there was a chancel, called after their name. Robert de Arsick died in the reign of Henry the Third; but it may be doubted, whether he had a command in the Castle, at his death. Arms—Quarterly, gules, and or, on a bordure sable, —— bulls' heads coupéd, argent.

Jeffery de Say, who had the command in this tower, descended from William de Say, a person of great consequence, in the county of Salop, in the reign of William the First; and it has been said, that he was Constable of Dover Castle. I have given his effigy in the annexed plate; but I am doubtful whether he had any command there. The Constablership of the Castle was given to John de Fienes, and his male heir, and they held it some time in the family; and as he is omitted by Dugdale, and in the list of Constables, I have not inserted his name in the catalogue.

Jefferey de Say married Wakeline de Magminot, the sister and co-heiress of Wakeline de Magminot; which was the introduction to a command in this tower, and to one of the associated barons.

He held the lands, which his predecessors had done, by castle-guard tenure, for defending this tower, and for repairing a house in the Castle.

He was selected, with others, to go to Hanault; and he was present at that memorable transaction, by which Richard the First was obliged to pay to the Emperor seventy thousand marks of silver for his enlargement.

His son gave four hundred marks for the livery of the lands of his inheritance. He also ratified his father's grant of certain lands in Brosel, to the canons of Bigham, in the county of Sussex; and also the church of Saint Nicholas, at Greenwich, which his father and mother had jointly granted them. Arms—Quarterly, or and gules.

*Gatton Tower.**

This tower was built by William Peverell, to strengthen the curtain between his own and Arsick's tower; and he granted the manor of Throwley, to one William le Dane, knight, and he held it on castle-guard tenure.

Robert de Gatton held of the same Lord, and by the same service, the town of Gatton, in Surry; and he gave his name to this tower. There was originally a house for the officer, near this building.

A person, of the name of Copeley, was also appointed to this tower; but as we do not find that the historians have recorded any thing memorable in their lives, they probably never stepped beyond the common routine of duty.

*Peverell's Tower, called also Beauchamp and Marshal's Tower.**

This tower was built by William Peverell, of Dover, one of the confederate knights; and he had several lordships and manors granted him, in capite, which he held by castle-guard tenure.

* Plate ix, fig. 26.

* Plate ix, fig. 27.

Wrensted and Ashmer, in Kent, and Dudenton, in Buckinghamshire, three knights' fees. In Kent, Wychling, Sandling, and Ockmere, three knights' fees. In Kent and Essex, in Solten, Gravesend, and Rainham, three knights' fees; in Truleigh, three knights' fees. In Surry, in Gatton, two knights' fees. Total, fourteen knights' fees.

Peverell built his tower in the angle of the exterior wall of the Saxon works; and it was constructed for defensive warfare, on every side of it. He had a noble arched gate-way, with a ditch and draw-bridge, with several apartments, and over them an embattled platform for the archers.

From the interior front they could command a considerable part of the Saxon vallum; and the whole space was open to them, on the side of the hill, between the Castle and the town.

On the side of the tower, fronting the keep, there was an arched passage from the principal gate-way, for opening a communication with a capounier, between two parallel walls, leading up to Palace gate. This concealed passage was for a place of defence, and it added a considerable length to the fronts of Peverell's tower. The walls of the caponnier are destroyed from their foundation.

In the year 1771, the whole length of the exterior curtain, from Peverell's to Porth's tower, fell into the ditch, after a very wet season; and the workmen, in digging for a new foundation, discovered the piers of the bridge, before the arched gate-way of Peverell's tower.

As there were two William Peverells at the same time, it may be necessary, to prevent embarrassment in consulting our ancient historians, to point out their situation in life, that they may be distinguished from each other.

Ranulph Peverell, of Hatfield-Peverell, in the county of Essex, married a lady, who was considered, at that time, of matchless beauty, who had been a favourite of William the First. She had one son by him, named William, who was Lord of Nottingham, and he took the surname of Peverell. By her husband she had two sons, William and

Payne. The second son was Lord of Bruin, in Cambridgeshire. William, who was appointed one of the associated knights, to build and defend a tower, in Dover Castle, was called William Peverell, of Dover, to distinguish him from his illegitimate brother, at Nottingham.

His mother was the daughter of Ingeline, a person of considerable rank and fortune; and she brought with her a large rent roll, which enabled her to be liberal to the church. She complied with the custom of the times, in which she lived; and founded a house for a religious society, at Hatfield Peverell, to atone for the errors of her passed life; and at her decease she was interred in the church.

William Peverell, of Dover, though a soldier by profession, retained a sense of religion; and he gave to the monks of Saint Mary, at York, eight carucates of land, in Rudstan, according to Dugdale; and he founded a priory, in Hertfordshire, which was subject to the house at Saint Alban's. To the monks at Thorney, he gave lands at Capthorne, and a meadow at Robertsbridge.

There has been very little recorded, either of his public or private actions; but it appears that he was one of those great personages, who witnessed the grant of Henry the First, for fixing the episcopal see at Bath, which had before been at Wells. Arms—Varie, or and gules.

Hugh Beauchamp, who commanded in this tower, was also Marshal of the Castle. He was a Norman by descent, and like many of his countrymen, he had the good fortune to procure a considerable landed property in this kingdom.

His arms, cut in a stone shield, were remaining in the front of this tower, until the year 1801, when they were taken away by the order of the engineer; but they have been preserved by one of the gunners of the Castle. Arms—Gules, a fesse between six cross crosslets —.

The building is now deformed, by taking away the battlements, and raising a parapet of brick work; which will never be so durable, as the masonry they have taken down.

This edifice has also been called Marshal's Tower, by that officer residing in it, and having his prison under the same roof. After the Constable of the Castle had made considerable encroachments on the civil power, the Marshal's tower was converted to a prison for debtors. Prior to this change being made, time had gradually introduced a strange intermixture of military and civil proceedings, which were exercised by the Constable, and Marshal of the Castle, in their official capacities, without any legal authority to support them.

As these high officers were anciently intended to aid and assist each other in the execution of their duty, they were very intimately connected; and it will be necessary to consider their separate and joint functions, to determine, whether they did not assume an authority, which did not belong to them, in exercising a civil power in the Cinque Ports, their ancient towns and members.

Of the Title and Office of Marshal, and of his separate Authority and Functions.—It has been the opinion of several antiquaries, and historians, that the Marescultus of the Latins, the Maresceux of the French, the Marescalk of the Germans, and the Marshal of the English, were one and the same title, derived from a servant, or a kind of groom, under the comestabuli; and that he had the charge of twelve horses. It was by promoting the comestabuli to the military dignity of a commander in chief of the army, that opened the path for the marescalli to go forth from their obscurity. They were well skilled in the several branches of horsemanship, and acquainted with whatever belonged to the cavalry, better than most other persons; and this induced the commanders to select from among them one, in whose abilities and judgment they could confide, to execute several important services in the field.

The Marshal was employed to reconnoitre the position of the enemy, to watch their motions, to mark out the proper place for the camp, to fix the picquet, and to give directions to the foragers. From

this servile beginning, the Marshal continued in power and consequence, until he became one of the principal officers in the army.

It was his duty to keep exact muster rolls, from time to time, both of horse and foot, and to produce them at all councils of war; and to receive orders for forming them for action.

He led the van of the army, commanded the cavalry, and made the first attack upon the enemy; and all orders were given by him. If they retreated, or returned home, he was in the rear.

In every movement of the army, it was the duty of the Marshal to compel the several leaders to display their own proper colours, and no other; and to make every individual join his own corps, and in his proper place. He ordered each corps to the station assigned them in the camp, and he was to see the baggage all in.

It belonged to the Marshal to punish all those who refused, or neglected to keep watch and ward; and for selling provisions, either regrated or forestalled. He was to ascertain, and fix the price and assize of bread, beer, ale, and wine, and all kinds of provisions, to be disposed of, either in the garrison, or to the men in the field; and he was to punish all disorderly women, who persisted in continuing with the military.

If the King came to the Castle, it was the business of the Marshal to have proper apartments ready for him, and his chamberlain, and lodgings for his household; and he was to be particularly careful in having lodgings prepared for the chancellor, if he attended the King; and this frequently happened when he visited Dover.

The fees and emoluments of the Marshal, as a military officer, were numerous, and lucrative, in time of war. He had two-pence in the pound, on all sums of money paid by the King, to all stipendiaries, and men of arms.

Every armourer, tailor, barber, merchant, and tradesman, who served the army, either in the field, or the garrison, or bought or sold goods therein; and every woman of light character; and every person

who kept any shop, or let lodgings, within the lines of the encampment, were to pay him, every Saturday, four-pence; and in that proportion for any less time.

In many instances in military affairs, and in matters immediately connected with them, the functions of the Constable and the Marshal were intimately connected; and they will be particularly pointed out, in describing the separate duties of the Constable.

The Marshal's tower, and gate-way, are still in good preservation; but the apartments have, for many years, been converted into a dwelling, for a person employed in the Castle.

*Port, Gostling, or Queen Mary's Tower.**

Hugh de Port was one of the associated knights, and he held twelve fees of the King, in capite, to build this tower, and to command in it. The knights' fees were as follow.

In Kent, Tong, two knights' fees; Murston, one; Popeshal, one; Pysing and Rainham, two; Ham, one; Betshanger, one; Barfreston, one; Bakestone, one. In Hertfordshire, in Chadwell, two. Total, twelve knights' fees.

This knight was a person of considerable consequence; and he had sufficient influence with his Sovereign to procure fifty-five lordships, in Hampshire; and Basing was the head of his barony. This large rent roll did not satisfy him; for he obtained a grant of the manors of Cantone, in Dorsetshire; of Gristham and Snelwell, in Cambridgeshire; and twelve lordships belonging to the Bishop of Baieux. But these were not all; for he had sixty-seven lordships in Southampton, and a considerable rent roll in Derbyshire.

While he continued one of the associated knights, and attended to the duties of his station, he had a residence at Betshanger, in Kent.

* Plate ix, fig. 28.

About the ninth year of the reign of William Rufus, he gave to a religious society, at Gloucester, his lordship of Littlecore. Though loaded with riches, he found that they could not give peace to a dissatisfied mind; and he was wishing for something more substantial than the world had bestowed upon him. Tired of the pomp which accompanied wealth, he at last resolved to quit it; and he put on the habit of an ecclesiastic, at Winchester, and sought for rest, and content, in the bosom of the church.

Lord Saint John held the manor of Lasswell of Hugh le Port, by the tenure of castle-guard; and he probably appointed a substitute, by the name of Gostling, who attached his name to this building; and that is all which is known of him.

After the ancient plan of defence was changed, this tower was suffered to go to decay; but it was repaired by the order of Queen Mary, and it was then called by her name.

John de Fienes, Constable of Dover Castle, his Gate-way, and Tower.

John de Fienes being placed, by his royal master and kinsman, at the head of the associated knights, and appointed Constable of Dover Castle, he undertook to re-build the principal gate-way, with apartments over it, suitable for a feudal baron of that age; and the particular situation to which he was appointed.

To enable him to discharge the arduous undertaking, the King gave him many lordships and manors; and those which he kept in his own possession, were called Constabularie, and were as follows.

In Kent, in Ashford and Packmanstone, two knights' fees; in East and West Well, two; in Hurst and Parva Wilmington, one; in Sellings, one; in Postling, two; in Polton, one; in Blackmanstone,

¹ Plate ix, fig. 29.

one; in Otterpool, one; in Bonnington, one; in Horton, one; in Street, one; in Trinston, one; in Rucking, one; in Orlestone, two; in Kenardington, one; in Sillowsbridge, one-half; in Woodchurch, one-half; in River, one. In Essex, in Renes, Toleham, and Dunham, four knights' fees; in Rolvenden, six; in Lachydown, four; in Markshall and Renes, four; in Benested, one. In Norfolk, in Barton, one knight's fee; in Bodpham, or Boddendam, three; in Grayton, four and one-half; in Chebrain, five. In Suffolk, in Thorney and Woodcroft, two knights' fees; in Clopton, one; five fees and one-tenth (the name of the lands not known.) The total of the knights' fees was fifty-six and one-half, and one-tenth part of a fee.

In re-building this new entrance into the Castle, he adopted the plan introduced by Gundulph, the Bishop of Rochester; and he is said to have been the first, who ventured to have a spacious arched passage into the Castles, which he secured with drawbridges, portcullisses, and massy gates. These he considered as preferable to the low gate-ways, and the contracted passages, adopted by the Saxons; when they first sought the aid of the mason, to secure their fortresses with stone walls.

The foundations for the front of this gate-way, and for the piers of the bridge, are laid below the bottom of the ditch, which is, at this place, sunk deep in the solid rock; and it plainly shews, that labour, materials, and expence, were considered as secondary objects by the Constable, in the execution of his plan.

The entrance to the Saxon vallum is between two thick parallel stone walls, and it is arched over with stone. There are two towers on each side of the gate-way, to command the ascent of the hill, and the passage to the bridge.

The entrance into the Castle was secured by two portcullisses, and thick gates; and when the bridge was raised up into the recess in the wall to receive it, these barriers rendered the passage perfectly safe.

It would have been much easier to have made a breach in the curtain, than to have forced a passage at the bridge; for the assailants would have been exposed to a shower of arrows, at this place, from a concealed enemy.

On the left hand side, under the arch, going into the Castle, there is a door in the wall, which leads to a room on the ground floor, which was originally a place of defence, and the porter's lodge.

In peaceable times, the porters used this room, where they exhibited to strangers an old key of the Castle gates, and an ancient horn and sword, which, tradition says, was Julius Caesar's; but it may be doubted, whether it has a higher antiquity than Edward the Second, or Third; as it resembles a sword used about that time.

The horn has also been considered as old as the Romans, and to have been used by them while building the Castle, to give notice to the masons, when to begin, and when to leave their work. As such tales can only be received by the ignorant and the credulous, they hardly deserve mentioning, unless it be to discredit them.

On the opposite side of the arched passage there is a room, which was also a place of defence in the time of the confederate knights; but it has since been used for other purposes. After the Warden of the Cinque Ports declined holding a court of appeals, at Shepway, that place was soon deserted, and they removed the Records, the Domesday Book of the Ports, and their other Manuscripts, to Dover Castle, as a place of safety; and they were deposited in this room. Many of the records were written on parchment; and about the beginning of the last century, the room was left open, and tailors were suffered to take away parchments, to cut up for measures, and every one made what havock he pleased with them.

The negligence of those who had the command in the Castle, at that time, is highly censurable, in not taking more care of such ancient writings; for they contained an account of the rights and privileges of

the inhabitants of the Cinque Ports, and the services they owed to the King, from a very remote period.

A person, high in office in the Castle, foreseeing what would happen, he employed a transcriber, to copy some of the Customals, and other papers, containing a relation of passed transactions; which copies have reached us in good preservation, and they contain authentic documents of the privileges of the Ports, and their ancient towns; their old plan of government; and their proceedings in their courts of law in the different Ports, and their two principal towns, in actions of debt and trespass, and other pleas, ecclesiastical and civil.

Sandwich seems to be the only Port, in which the magistrates preserved their ancient Customal; for in the other Ports, and their ancient towns, they have either been destroyed, or suffered to perish, by being deposited in a damp and insecure place. After passing through the arched passage, there is, on the right hand of the back front of the Constable's apartments, a large flight of stone steps, with iron railing, to the hall over the gate-way, which is about twenty-five feet by thirty-two, and arched over with stone.

In the hall, the Constable held his courts, and settled all controversies which happened in the garrison; and the pay of the stipendiaries, for services done in the Castle. It was there he issued his orders; transacted public business with the Marshal; held conferences with the confederated knights; and feasted his retainers as a feudal baron.

There is a communication from the hall to the towers on each side of it. The apartments on the left hand, at the top of the stairs, which were anciently a porter's lodge, and a place for defence, are now made a kitchen; and the small room, on the right, a butler's pantry; and the large one, a bed chamber.

At the upper end of the hall, there is a flight of steps, leading to a gallery over the gate-way, which is in the clear about thirteen feet by thirty-seven. This room has undergone many alterations. In the year 1580, there were new fire places made, both in the hall, and in the

gallery ; and the workmanship is in the stile of that age. Sashed windows have supplanted the narrow slips in the walls ; and the rooms, which were dark and dismal, are now light and comfortable.

The hardy warriors of the feudal age, did not construct their rooms for pleasure, or for prospect ; but for security, and for defending themselves, and keeping at a distance a besieging enemy. By turning an arch, on each side of the gate-way, two additional rooms have been added to the gallery ; and from which there is a beautiful view of the sea, the town, the harbour, and the adjacent country, which is richly diversified with hills and vallies, within a distinct view.

There was an embattled terrace over the gallery, and above the arched roof of the hall, which is now converted into three lodging rooms. The manor of Allington was given for the service of ward in it. A person, by the name of Phillips, held also Tunstal, in Kent, by the service of castle-guard tenure, to keep ward in this tower ; and he was to find double the number of men allotted to the other towers.

These manors seem to have been given after the first establishment ; as they are not included in the grant to John de Fiennes. They were probably added in the time of King John, or in the turbulent reign of Henry the Third.

It was the ancient custom with the feudal barons, to have a sentinel on the terrace over the gate-way, to sound his horn, on the appearance of strangers ; and there was a place for such a person on Allington Tower, which has since been called the Dovecote. The horn, mentioned at the porter's lodge, might have been used in the time of Hubert de Burgh, to give notice of any alarm in the night, from this lofty situation ; as it might have been heard over the Castle.

Opposite to the gate-way, in the interior ditch, is the entrance to a souterrain, cut in the solid rock, through the Saxon vallum, into the exterior ditch under the bridge. During the war with the French Consul, a caponnier was made at this place, by building up the spaces left by the Norman masons, between the piers of the bridge ; and, in

this concealed place, they have all the usual contrivances for annoying a besieging enemy. On the south side, a large mound has been raised, near the bridge, at no small expence, for a platform, on which they may mount a few pieces of cannon.

About the year 1800, a breast-work was begun, on a small scale, at the foot of this artificial hill, by the side of the new road. The raising of these works, and the alterations made at this place, have buried the greatest part of the line of approach cast up by the Dauphine of France, when he besieged the Castle.

The Origin of the Title of Constable; the Court of Law held within the Precincts of the Castle; and the ancient Plan of Defence.—Several authors of reputation have considered the Comestabuli of the Romans, the Stalhere of the Saxons, and the Constable of the Normans, as different words, denoting the same military officer, who exercised the duties of a commander in chief; and who had the power of holding a court, to hear and determine such offences as were purely military.

The title of Constable was unknown in the Cinque Ports, and probably in England, prior to the Norman conquest; and it seems to have been of French extraction, and introduced by William the First, after he fixed himself on the throne. He appointed Odo, his half-brother, Constable of Dover Castle; and if he was not invested with all the authority of the great Constable of France, he very soon assumed it.

The duties of this high officer, either when acting by himself, or jointly with his Marshal, in his own franchises, were similar to the functions of the Lord High Constable of England; and as it is something more than a matter of curiosity, it may be necessary to inquire particularly into his original power and jurisdiction, and the restrictions which were afterwards enacted to limit his authority, and to determine the extent of it.

It was the duty of the Constable, as a military officer, to see that the military tenants complied with the terms of their primary grants, by sending their number of men, according to their rank, either into the field, or the garrison; and he retained, or dismissed them, as they were fit, or disqualified, for service, according to their stipulation. If he received them, as watchmen, into the Castle, they were sworn to discharge the duty of their station faithfully; and this was continued long after the ancient method of defending the Castle was intirely changed.

Even in the reign of James the First, there were sworn watchmen, who were liable to keep ward in their turns; and, at the end of their month, they departed to their houses, in the lordship of their superior, to attend to the cultivation of their lands, and to enjoy their rural amusements, with their families and friends, during their vacation. This made them both soldiers and citizens; and they were sometimes called upon to discharge the duties of both stations. It had been the practice to nominate them, at different times, at the hundred and leet courts, to serve as constable and borsholder; which duty was incompatible with their service in the Castle; and they were as often discharged from their civil office, as they were appointed to do it. To prevent a continuation of trouble, in repeatedly chusing such privileged persons to fill civil offices, Henry Howard, Earl of Northampton, and Constable of Dover Castle, issued his precept, addressed to all justices of the peace, mayors of corporations, bailiffs, sheriffs, and stewards of counties, and to rural courts, and to every person in authority under the King, to inform them, that John Swanton, of the parish of Alkham, a sworn watchman, and guardian of his Majesty's Castle of Dover, while he was at home with his family, was nominated to the office of constable of the hundred of Folkstone, for the year ensuing; and that he had appealed to the general sessions of the peace, holden at Canterbury, to be discharged from the obligation of serving the office.

Sir Thomas Waller, knight, Lieutenant Governor of Dover Castle, proved at the sessions, that Swanton was one of the sworn watchmen; and he read a paper from the attorney-general, to inform the bench, that by the nature and law of castle-guard tenure, where a person was obliged to serve for the defence of the realm, he ought not to be appointed to another office, which required personal attendance out of the Castle. It was the second time that Swanton had been nominated for constable for the hundred of Folkstone; and he was again dismissed from serving the office.

As the justices had several times been troubled with their illegal appointments, they ordered, that such persons as were engaged in his Majesty's service, should be exempted from any civil office, which required personal attendance; and that a list of the names of the sworn watchmen belonging to Dover Castle, should be delivered yearly to the clerk of the peace, at the general sessions at Canterbury, at their meeting next after Christmas, that their names might be sent to the bailiffs and the stewards of the leets and barons courts, to prevent their ignorantly nominating any of them again. The civil officers belonging to the Castle claim the same exemptions to the present day.

The Constable was also nominated to the supreme command of the forces in the Castle; and also those which were raised within the jurisdiction of the Cinque Ports, if they were required to defend the coast. If they marched into the field, he was with the main body in the rear; but when they retreated, or marched home, he was with the van.

He was entitled, among other emoluments, to two-pence for every pound paid by the King to stipendiaries, and men at arms, within his jurisdiction. To four-pence a week of every dealer selling goods to his men; and the same of every woman, of light character, following the camp; and one penny for every barrel of ale, or beer, sold to his men.

He could also compel the payment of fines, due from the different mayors' courts to the crown; and could also levy them, by distress, on the goods and chattels of defaulters; if there was any deficiency in balancing their accounts.

To these separate duties, which belonged solely to the Constable, there were others, in which he acted jointly with the Marshal.

The Constable and the Marshal were to keep lists of the names of all persons in chivalry, and others, who, by their respective tenures, were bound to perform military service, that they might not omit their duty; and they were to have lists of stipendiaries, serving either in the field, or in the garrison; and by their lists they were to be paid.

When the knights came to the Castle, to perform their routine of duty, they were received, either by the Marshal, or his assistant; and the Constable noted the day they entered on duty. When they had continued their time, according to the conditions of their tenure, the Constable and the Marshal, jointly, signed their certificates; for they could not leave the Castle, without their regular discharge.

The Constable and the Marshal appointed the guard and the watchmen; and when the Marshal had fixed them at their different posts, the Constable, at a certain hour, went his round, to see that every man was at his station; and in the morning, they were relieved by the Marshal. Both the Constable and the Marshal were exempted from keeping guard, unless in times of danger; and then they did it alternately. They also, jointly, directed all foraging and sallying parties; but the Marshal only attended with his banner, and a guard to cover them, in case they should be attacked by the enemy.

In a manuscript, in Norman French, prior to the reign of King Henry the Third, there is mentioned the quantity of provisions, and stores, they were to have in the Castle, in time of war, for fear of a siege; and they are probably the same as was settled by John de Fienes, when he undertook the defence of the Castle.

The quantity of each article will fully appear in the following translation.

Bread and Biscuit.—When the garrison consisted of only one thousand men, they were to have among them the same number of loaves, made of meal, each weighing L. S. In biscuit, they were to have two hundred and sixty quarters; and each day six quarters and one-half, and each quarter equal to eighty gallons. The meal for each day's bread was four quarters and one-half; and each quarter was to make two hundred and twenty loaves; and the whole quantity of meal, for forty days, amounted to one hundred and eighty quarters.

Wine.—They had six hundred gallons of wine, and in serving it out, every two men were to have five quarts; and the whole quantity, for forty days, were twenty casks.

Beef, Pork, and Mutton.—The garrison was to have meat eighteen days; and they laid in one hundred casks of beef, two hundred and seventy hogs, and one hundred and sixty-two casks of mutton. Each cask of beef was estimated at fifty-four messes, each hog at twenty-four messes, and each cask of mutton at eight messes; and each man might have either half a mess of beef, pork, or mutton, in the day.

Fish.—They were to be fed twenty-two days with fish. The store consisted of forty-four thousand herrings, reckoning ten hundred to the thousand, and five times twenty to each hundred; one thousand three hundred and twenty cods, reckoning the hundred at five times twenty; and six thousand stock fish, called middle cod, in tale the same as above. Every thousand herrings were to serve for two hundred messes, reckoning five herrings for a mess, and a stock fish two; so that each man might have, in the day, five herrings, or the part of a cod, for one mess, or the half of a stock fish.

Cheese and Oatmeal.—Six — of cheese were provided, to give to those who received oatmeal for porridge. They were to have seven quarters and one-half, for forty days; and to take care that they produced twelve messes of pottage, with the greatest part of a gallon of oatmeal, or of chouce. Eight gallons were to be considered as one bushel, and eight bushels as one quarter of oatmeal; therefore, by the bushel, they furnished one hundred and eighty.

Faggots, Turf, Brakes, and Tall Wood.—They had eleven thousand faggots, at five shillings and four-pence the thousand; and every time they heated the furnace with them, it cost four-pence. Of turf, they had four hundred and sixty quarters; of brakes, twenty-six thousand; and of tall wood, which cost five shillings and six-pence the thousand, two hundred and sixty quarters. The turfs, at eighteen-pence the thousand. Every quarter of brakes cost as much as one hundred of tall wood, or the value of the turf.

Various other Articles.—Sea coal, one hundred quarters. Gross salt, for provisions, one hundred quarters. Beef suet, for candles, and other necessaries. Mutton suet, for the wounded men and horses. Wax, six bags, containing three hundred pounds. Cotton, for candles, one hundred weight. Almonds, four hundred pounds. Rice, two hundred pounds. Vinegar, one pipe. Pepper and spice, one hundred pounds. Kidney beans, forty quarters.

Stores, for one hundred Horses, in Dover Castle, in the time of War.—For one hundred horses, they provided one hundred cart loads of hay; and each cart load contained forty bundles; and a horse was to have one bottle every night, valued at one penny. They were also to have one hundred and sixty quarters of oats, and each horse to have the third part of a bushel every night. Of litter, fifty cart loads. Horse-shoes, six hundred; of which two hundred were of the largest

size. Three hundred of the shoes were to have eight nails, and the others six nails; in all six thousand nails. Tow, twenty pounds, for the wounded horses, and other maladies.

Laws and Ordinances.—In a code of laws, drawn up soon after John de Fienes was made Governor of the Castle, for the better regulating of the garrison, we may discover the power of a feudal baron, in punishing and pardoning offences. Several of the ordinances point out their Norman origin; and they inflicted imprisonment, and corporal punishment, for various offences, which were compensated with fines in the courts of the Saxon thanes.

It was ordered, that at the setting of the sun, they should draw up the bridge, and shut the gates for the night. The guard was then set, and the twenty sworn watchmen, or military tenants, under the eight knights, were placed at the towers in the exterior wall, and over the Governor's apartments. These posts were considered of too much importance, to be trusted to common soldiers.

The stations of the watchmen were in the upper part of the tower, or near it, on the parapet of the wall; for if they descended from their post, or were beyond call, they were committed to prison, and suffered corporal punishment, at the will of the Constable; and they were dismissed from their service, for endangering the safety of the Castle, by their negligence.

Though the watchmen were sworn, and there was more confidence placed in them, than in a common soldier, yet they were not left to themselves during the night; and it appears that each of the eight knights were on duty in their turn; who sent out, from the guard-room, two sergeants, at stated hours, who were to go round the walls within the Castle, to visit the watchmen, and see that they did not sleep at their posts; as they might sleep in the day at their ease.

If the sergeants, on their round, found any of the watchmen sleeping, they were to take away their staff, or cut off a piece of their

garment, to prove that they found them sleeping; and if they could not redeem the pledge, they were to forfeit two days' pay, which was two-pence.

The sergeants might call the names of the watchmen three times, if they did not answer, if they wished, through pity, to screen them from punishment, or death. If they made a report to the Constable, he could order them to close confinement, during pleasure. From the prison they were brought to the gates, in the presence of all the garrison; and if they received no other punishment, they forfeited all their effects in the Castle, and were dismissed the service.

If either of the sergeants, or the watchmen, used any scurrilous language to each other, and they were brought before the Constable, he could order them to be chastised in his presence, and to forfeit their day's pay, if he pleased.

Every sergeant, or watchman, for striking a person with the palm of his hand, was to forfeit five shillings to him who received the blow, and to be in mercy to the Constable, that is, to pay him such a fine as he demanded. If the blow was with the fist, he was to forfeit ten shillings, and be in mercy, as before. For wounding a person, the fine was fifteen shillings, and the forfeiture of the station in the Castle; unless the Constable pleased to omit any part of the punishment.

For drawing the sword, without striking with it the offender was to be beaten with the palm of the hand; and for striking with it, he was to abide the consequence, hand for hand, wound for wound, and death for death.

A person belonging to the Castle was not to quit it, without leave from the Constable; and if either sergeant, or watchman, offended against this rule, he was to forfeit his wages, and quit his service.

The Marshal of the Castle had the keeping of the prison, and the fees belonging to the office. Every person, who was attached for the service of ward, sarsize, and for every beast, was to pay the bailiff four-pence.

The Constable was to have one penny for a sheep, and the same for a bullock or a cow ; and the Clerk of the Exchequer the same sum, as a fee, for the guard for the first night. Every person confined in the prison, under lock and key, was to pay four-pence to the Marshal on his entrance, and as much on his discharge from the gaol.

The Lieutenant Governor, the Clerk of the Exchequer, the Marshal, the carpenter, and other artificers, were, at stated times, to survey the works and the walls of the Castle, both within and without, and order the necessary repairs of all the houses and the buildings ; and they were to attend the workmen, and see that they did their work properly, that no fault might be found.

The porters at the gate were not to suffer any persons to enter, until they had taken particular notice of them ; and if they were strangers, they were not to step within the sill of the wicket, but one of the porters was to call the Constable, and in his absence his lieutenant ; but every person asking admittance, was to receive civil treatment. The porters were to attend to these orders, under heavy forfeitures. The gates were never to be left, during the day, to the care of any persons but the porters, and they were always to have the wicket secured with bolts.

After the bridge was drawn up, and the great gates shut, they were not to be opened until the rising of the sun. If the King came unexpectedly in the night, the great gates were not to be opened to him, but he was to go to the postern, called the King's gate, towards the north ; and there the Constable, and those who accompanied him, might admit the King, and a certain number of his suite. When the King was admitted, he had the command ; and in the morning, when it was full day, he might admit the remainder of his company.

After the Marshal had ordered the guard for the night, and had appointed every man to his station, he was to go his rounds within side of the walls, after the first watch, to see that every watchman was at his station, and to charge them not to quit it, under the penalty of forfeiting their pay.

From these ancient rules and regulations, it does not appear, that either the Constable or the Marshal had any jurisdiction beyond the precincts of the Castle; yet it is certain, that they very early exercised a power, which encroached on the liberties of a free people, as well as on the privileges which had been granted to the barons of the Cinque Ports.

As the proceedings of the Constable and the Marshal were contrary to the law of the land, and of course caused great murmurings and discontents among the people, it was found necessary, in the reign of Edward the First, to limit their power by statute. It was enacted, that the Constable of Dover Castle was not to hold any plea of a foreign county within the Castle gate, excepting the keeping of the Castle. Nor was the said Constable to restrain the inhabitants of the Cinque Ports, to plead any other where than they ought, after the form of their charter, obtained of the King for their old franchises, confirmed by the great charter of Henry the Third, which says, "We will, and grant, that the barons of the Cinque Ports shall have all their liberties and free customs."

While the rights and privileges, granted by Edward the Confessor, were well known to them, it was impossible for the Constable, or the Marshal, to plead any authority by patent, grant, or prescription, to intermeddle in any civil actions, between subject and subject, beyond the precincts of the Castle. In the charter granted to the Barons of the Cinque Ports, it is said, "That the mayor and jurats, bailiff and jurats, in every port and member of the Ports, from henceforth and for ever, may have and hold before them, the said mayor and jurats, bailiff and jurats, and also jurats, by plaint before them, to be levied in the courts of every port, or members of the ports, and members aforesaid, in the place within every such port or member most convenient, on the days and times there accustomed to be holden, all, and all manner of pleas, of and upon all manner of actions, real, personal, and mixed, in every such port and member, by land or by sea arriving; and the persons against whom such personal actions, in the said courts,

shall happen to be prosecuted and moved, to attach by their boders, and to commit to prison ; and to hear and determine all and singular the aforesaid pleas, and to make process and executions judicially, according to the customs of the ports aforesaid ; so that neither the Constable of us, and our heirs, of the aforesaid Castle of Dover, nor the Warden of the Cinque Ports, nor the Admiral of the same, nor any lieutenant of them, nor deputy from him, of or upon any such pleas, within the ports or members aforesaid, or any other plea of any thing, or matter done, within the bounds or limits of the said ports or members, by land or by sea, or on the fresh water, or by the limits or shores of the deep sea, may intermeddle in any wise ; nor such port or member, for that cause, in any wise enter, except in default of justice. And that the aforesaid mayors and jurats, in manner and form aforesaid for ever, may have cognizance, as well of all manner of pleas and actions abovesaid, as in all manner of pleas of the crown, within every such port or member, in any wise happening ; and power of hearing and determining all pleas of the crown of us and our heirs, as well at the suit of us and our heirs, as at the suit of other complainants."

The mayors and jurats of the Cinque Ports were to hear and determine pleas, (treason excepted) and render judgment upon the same, according to law, and the custom of the kingdom of England, and the Cinque Ports, at their choice ; and moreover, that none of the aforesaid Barons, good men, or their heirs or successors, or of the residents aforesaid, by any warrant, precept, or mandate of the Constable of the Castle, or the Warden of the Cinque Ports, or the Admiral within the same, were bound to answer any plea from henceforth which might be taken, arrested, or attached ; nor for the same cause, before the same Constable, Warden, or Admiral, or his lieutenant or deputy, be bound to appear in any wise, excepting in default of justice in any of their own courts.

As King Edward the First, after the conquest, re-granted and confirmed to the Barons of the Cinque Ports the privileges they had enjoyed

under his ancestors, he certainly knew, that the Constable of Dover Castle could not have any legal authority, to compel the Barons to plead in any court but their own, in any plea between subject and subject. The same privileges were continued to them by Charles the Second; but, in defiance of charter, statute, and ancient custom, which is the common law of the land, the Constable and Marshal of Dover Castle kept pace in their encroachments on the privileges of the Barons of the Cinque Ports with the Lord High Admiral of England; and the members in other jurisdictions, in their infringements on the privileges of the Commons of the realm.

That the Lord High Constable, and the Marshal, did make encroachments is clear, from the statute which passed in the ninth year of the reign of Richard the Second, which says, "Because divers trespasses concerning the common law, and which by the common law ought to be examined and discussed, are of late drawn before the Constable and Marshal of England, to the great damage and disquietude of the people; it is therefore agreed and ordained, that pleas and suits, touching the common law, shall not hereafter be drawn, or holden by any means, before the said Constable and Marshal, but that the court of the Constable and Marshal shall have that which belongs to the same court; and that the common law shall be executed and used, and have that which to it belongs; and the same shall be executed and used, as it was accustomed to be used in the time of King Edward."

As this statute did not sufficiently explain and define the limits of the Constable's authority, nor point out any remedy for the abuse of his power, it was found expedient to do both, to silence the murmurings of the people. It was therefore again enacted, "Because that the Commons do make grievous complaints, that the court of the Constable and Marshal hath encroached to him, and daily doth encroach, contracts, covenants, trespasses, debts, and detainers, and many other actions, pleadable at the common law, in great prejudice of the King, and of his court, and to the great grievance and oppression of his

people: Our Lord the King, willing to ordain a remedy against the prejudices and grievances aforesaid, hath declared in the Parliament, by the advice and consent of the Lords spiritual and temporal, the power and jurisdiction of the said Constable, in the form that followeth.

"To the Constable it pertaineth to have cognizance of covenants, touching deeds of arms, and of war out of the realm, and also of things touching war in the realm, which cannot be determined or discussed by the common law, with other usages and customs to the same matters pertaining, which other Constables have heretofore duly and reasonably used in their time. That every plaintiff shall declare plainly his matter in his petition, before any man be sent for to answer thereto; and if any will complain, that any plea be commenced before the Constable and Marshal, that might be tried at the common law of the land, the same plaintiff shall have a privy seal of the King, without difficulty, directed to the said Constable and Marshal, to surcease in that plea, until it be discussed by the King's council, whether it belongs to the common law."

As the people complained as heavily against the Marshals, and their sergeants at arms, it was enacted by the same Parliament, "That all sergeants at arms should be dismissed, and that only thirty good and sufficient persons should act as sergeants at arms;" and they were prohibited from intermeddling in any matter which did not belong to their office. They were not to oppress, nor extort any thing from the people, upon pain of losing their station, and of making a fine and ransom at the King's pleasure, and full satisfaction to the party injured.

This was a considerable check to the usurped authority of the Constable and the Marshal; and it was an hazardous attempt to retain and imprison in a plea, in which they had no right to interfere, either in common law, or in equity.

¹ 13 Richard 2, c. 6.

But the Constable of Dover Castle was never long satisfied with the limited power of a military jurisdiction ; and, in about half a century after passing the foregoing statute, Humphrey, Duke of Buckingham, Constable of Dover Castle, issued his summons, dated the seventeenth day of January, 1458, for eighteen men of the town of Winchelsea, to appear in the parish church of Saint James, in Dover, to inquire into certain articles to be brought before him.

They informed him, that they were exempted from such duties, both by charter and prescription ; and that to comply with his summons, would be diminishing the privileges and customs of the Cinque Ports. They begged that he would reflect on the oath he had taken at the court of Shepway, when he entered on his office, and publicly declared by his knighthood, that he would keep and maintain the liberties and customs of the Cinque Ports, to the utmost of his power.

The privilege of not serving on juries, out of their own franchises, and of not pleading in any foreign court, seems to have been coeval with their first enfranchisement ; and while they were acquainted with the liberties which had been granted them, they would not patiently suffer their principal to make any considerable encroachments.

They certainly had long enjoyed the privilege of not pleading in any court but their own, and they ought still to enjoy it, from what judge Blackstone has said on the subject ; where, speaking of courts of special jurisdiction, he says, " That the Cinque Ports, or the five most important havens, as they were formerly esteemed, in the kingdom, Sandwich, Dover, Hithe, Romney, and Hastings, to which Rye and Winchelsea were afterwards added, have similar franchises, in many respects, with the county palatine ; and particularly, an exclusive jurisdiction before the mayors and jurats of the Ports, and in which exclusive jurisdiction, the King's ordinary writs do not run ; or," as he explains it himself, " have no force. A writ of error lies from the mayor and jurats of each port, to the Lord Warden in his court of Shepway, and from that court to the King's Bench ; and so a writ of error

lies from all other jurisdictions, to the same supreme court of judicature, as an ensign of superiority reserved to the crown, at the original creation of the franchise. All prerogative writs, as those of habeas corpus, prohibition, certiorari, and mandamus, may issue, for the same reason, to all these exempt jurisdictions; because the privilege that the King's writ runs not, must be intended between party and party, for there can be no such privilege against the King."

It is clear, from this great law authority, that, in a plea between subject and subject, the King's ordinary writs ought not to have been introduced in the Cinque Ports in his time; and by the charter and statutes already cited, the Constable of Dover Castle ought not to interfere in any civil action, to compel the Barons of the Cinque Ports to plead in any foreign court; and if his sergeant at arms attaches any person, in an action where he has no right to intermeddle, he is to make satisfaction to the injured party. Yet, notwithstanding all this care and precaution, the King's ordinary writs have been introduced into the Cinque Ports for many years; and the sergeant has continued to arrest, and confine persons in his prison, with impunity.

It is very probable, that the King's ordinary writs were first introduced into the Cinque Ports, in the reign of Henry the Eighth, or very soon after it. In the statute which passed, to abridge the liberties and franchises of the counties palatine, it was enacted, "That all writs and processes should be made in the King's name, and witnessed in the name of the owner of the franchise."

This statute did not make the least encroachment on the privileges, or the customs, of any city, borough, or town corporate; for the statute says, "That they, and every of them, and the successors of them, may take, levy, and enjoy, all and every their lawful liberties, privileges, franchises, customs, and usages, in as ample a manner, and in like

* Blackstone's Com. vol. iii, p. 79, octavo edit.

* 27 Henry 8.

form and conditions, as they, and every of them, have lawfully taken and used, as they had before the making of this act."

Though this was but a slight pretence, and less authority, for introducing the King's ordinary writs into the Cinque Ports, an artful solicitor might attempt it, to give consequence to his principal, and to increase the emoluments of the office. It is certain, that in the reign of Queen Elizabeth, this practice was increasing; and the Barons of the Cinque Ports were determined to resist, unless the Constable could prove the legality of the proceeding by the law of the realm. Counsel were employed to investigate the matter, and it was determined in favor of the Barons of the Cinque Ports.

It was settled, that the Constable should not suffer any mandate, or letters of attendance, to be issued from the register office, in consequence of any writ or process, issued from what they called a foreign court in London, or Westminster, unless the King or the Queen was personally concerned in it; or upon judgment of outlawry, or cognizance acknowledged by the party, or judgment given in a foreign court, where the party had appeared, either by himself or his attorney, in the plea; or such prerogative writs as might be legally executed within the jurisdiction of the Cinque Ports.

It is clear, by the manner in which this business was determined, that the distinction between an ordinary and a prerogative writ, was well understood by the inhabitants, within the jurisdiction of the Cinque Ports; and that they absolutely refused to plead to the first, as it was incongruous for the King to send his writ into a special jurisdiction, to direct the judge in what manner he was to proceed to administer justice.

The introducing the King's ordinary writs, has so long been sanctioned by time, that there is scarcely a person, from Margate in the Isle of Thanet, to Seaford in Sussex, who would not think it a high degree of ignorance and presumption, to question the legality of the practice. The present method of proceeding, is for the attorney to

obtain a writ, directed to the Constable of Dover Castle, which is sent to his register, who resides at Dover. The writ is filed in his office, and he gives a warrant to the bodar, who is a sergeant at arms, to apprehend the debtor, if he can be found within the jurisdiction.

As the prison was anciently kept by the Marshal, and all prisoners were committed to his custody; and he had a fee of four-pence on their being locked up, and the same at their dismissal; a question may arise, whether an inferior officer can hold them? There is one thing which appears certain, that where there are charters and statutes existing, to particularize the privileges of the Barons of the Cinque Ports, and to limit the authority of their principal officer, that he may not invade them, it is in vain to plead prescription, as the King's ordinary writs were of no force, in the jurisdiction of the Cinque Ports, in the time of judge Blackstone.

The Constable is now no longer known in the Castle as a military officer; and this once important station is now reduced to a title of honour, and a place of emolument, without any duty expected from him. When the lord of a franchise does not hold any court, to hear and determine complaints, and to discharge and punish offenders, within a limited time, he ought not to be suffered to hold them in custody. It is now no uncommon case, for an offender against the peace of the King, on the complaint of a revenue officer, to be committed to prison, in the Castle, in close confinement; and to continue there from one, to three or four years; and when he has spent his substance, and injured his constitution, he may be dismissed without a hearing, if he can procure a friend who is endowed with sufficient patience to continue his repeated applications, either at the board of excise or customs, until he can procure his enlargement.

The authority of the constable would now be called in question, by the colonel of a regiment, if he was to offer to interfere in the setting or relieving of the guard, or in holding a court martial.

The repairing, fortifying, and providing stores for the Castle, now belong to the ordnance department; nor does the Constable any longer retain even the shadow of his military authority.

The Lieutenant Governor, who is next in rank, has declined exercising any authority, as well as his principal. It was customary for this officer, when he came to reside in his apartments in the Castle, to shew the authority which had been exercised by his predecessors in office, by having the keys of the gates brought to him, after the setting of the guard for the night; but even this mark of distinction has been resisted by the colonel of a regiment, and it was given up.

The commander of a military garrison must have authority to hold a military court, and this is frequently done in the Castle, without either consulting the Constable, or his Lieutenant; and as their precedents are destroyed with their records, they will now rest satisfied with the emoluments of their office, and suffer the ancient duties quietly to wear away by time, which is gradually casting its dark veil over them.

The civil has not been quite so pressing as the military power, in encroaching on the privileges which were exercised by the Constable, and his officers, in the Castle. As he was judge of all matters within the Castle gate, he was also coroner; but where there is trouble, without honour or profit annexed to the office, it is not worth contending for; and especially in taking an inquest, in case of a violent or accidental death.

The coroner of the county has been permitted to proceed in his duty, by using a little precaution, to shew that the Castle is a privileged place. He issues his warrant to the Constable of the adjoining hundred, to enter the fortress, and bring the body of the deceased into his jurisdiction; and after he has taken a view, and finished his inquest, it is returned there again.

In the statute which passed in the reign of Henry the Seventh, for limiting the number of cities, towns, and places, to keep the stand-

and weights and measures, Dover Castle is mentioned in the list; and the Constable is directed to have the law put in execution, within the jurisdiction of the Cinque Ports.

The weights and measures are to be kept in the Castle, and others for common use are to be made by them, and marked, for which they were to pay one penny. The weights and measures were to be examined twice in every year, and oftener, if necessary; and no others were to be used, but such as were marked. When the weights were found deficient, they were to be destroyed or burnt. For the first offence, they were to pay six shillings and eight-pence; for the second twenty shillings, and to stand in the pillory. This law remains in the statute books unnoticed.

*Clopton Tower.**

The next tower in the curtain, was built by John de Fienes, of an irregular hexagonal figure. The front without the curtain, is divided into three equal parts, but the sides within the wall are larger than the exterior. The Constable gave the manor of Clopton, in Norfolk, to repair and defend it.

A person by the name of Clopton, held it by the service of castle-guard, and it has either been called after him, or the name of the manor.

In the reign of Edward the Fourth, this tower was in a ruinous state, and he rebuilt it from the foundation, at his own expence. When Stephen de Pencester was Constable of the Castle, he appropriated the apartment in this tower to the treasurer's use. He had his office here; and the records of the Castle were preserved in this tower in the reign of Edward the Sixth; but by some strange neglect or inattention of the principal officers, the apartment was plundered by a

*Plate x, fig. 30.

person named Levenste, who took the books and the parchments from the shelves, and piled them up in the front of the building, and burnt them.

By this malicious act he destroyed, in a few minutes, the ancient grants and charters of the various manors and lordships, which had been given for the defence of the Castle; a list of the military knights, and the watchmen, and the tenants, and the services they performed; the rolls of the Constables' and the Marshals' courts; and the rules and ordinances which had been adopted, from time to time, for the defence of the Castle.

These records, Pencester said, he found very useful; when he compiled a brief relation of the regulations which had been used by his predecessors in office.

Levenste was disappointed in finding his competitor, John Mornings, preferred before him to the office of lieutenant governor; and he determined to shew his resentment, by depriving posterity of having recourse to the records of passed ages; that the names of those who had filled honourable stations in the Castle might die with his own. Though he could not appear in their list, he adopted a most effectual method to be remembered, without thinking of the disgrace attached to it.

Arms of Clopton—Sable, a bend ermine, between two cotized dancette, or.

*Godsfoe Tower.**

The next tower in the curtain was built by Fulbert de Dover, who gave the manor of Sentling, for the keeping ward in it.

Nicholas Veraund was appointed to this tower; and his successor, Godsfoe, gave his name to it.

* Plate x, fig. 31.

As they had neither of them any historian to record their fame, or their family; or any herald to emblazon their arms, their names will probably perish with the tower they once defended.

*Crevequer's Tower.**

The next tower in the curtain is a round one, built by Robert Crevequer, one of the confederate knights. He held of the King, in capite, five knights' fees, by castle-guard tenure, as follows:—

In Westwood, three-fourths of a fee; in Badlesmere, one; in Perry Court, one; in Soles, one; in Woodnesborough, three-fourths; in Grove, one-half. Total, five knights' fees.

Hamo Crevequer, the father of this Robert, accompanied Duke William to England; and he was appointed, by the King, sheriff of Kent for life. He was also steward of the King's household; and he possessed several lordships and manors, in Kent, at the time of the general survey.

His life was prolonged until the eleventh year of the reign of King Henry; for the abbot of Saint Augustine's monastery resigned to him, in that year, the manors of Rudesham and Smethune, and he restored to the monks of that house, the town of Fordwich, which they considered as their right. The charter of confirmation was contained in a few words, and executed at the high altar in their church.

“ I Hamo, sheriff of Kent, and steward of the King's household, led by the fear of God, restore to God, and the Holy Saint Peter, the chief of the apostles, and to Saint Augustine, the chief teacher of the English people, and to Hugh the abbot, the town of Fordwich.” In confirmation of this grant, he placed his knife, and the monks' psalter, upon the altar, with his own hand.

* Plate ix, fig. 32.

This great and illustrious family had several seats in Kent. Chatham was once considered as the head of their barony. They had another seat at Benested, before they removed to Leeds castle, which was built by Robert Crevequer, and his son Adam, about the year 1119. This castle was his principal residence; and there he founded a priory, for a society of black monks, of the order of Saint Augustine; and he dedicated it to Saint Mary and Saint Nicholas.

Hamo Crevequer, a descendant of this great family, in the eighteenth year of the reign of Henry the Third, married Matilda, or, as some say, Maud, the daughter and sole heiress of William de Albrincis, who brought with her a considerable landed estate; and he was called the Great Baron of Kent.

About five years after his marriage, he paid one hundred pounds for a relief of his lands, and for the King's patent, appointing him sheriff of Kent, Hampshire, and Hertfordshire. He was like many of the great barons of that time, involved in the faction raised by Simon Montfort, Earl of Leicester, and his estates were seized by the King, and his castle at Leeds Court dismantled. He obtained his pardon at the pacification settled at Shillingworth; but it is doubtful whether he recovered all his estates again. The name of this family became extinct in the reign of Edward the First. Arms—Or, on a fretty sable, on a chief gules.

Cranville commanded in this tower; but he was probably only a substitute, appointed by Crevequer; as it does not appear that he held any lands by castle-guard tenure, and there is but little known either of him or his family.

*Magminot's Tower.**

Gilbert de Magminot was a great favourite with William the First, and he was appointed Marshal of Dover Castle, when he was enroled in the list of associated knights. The lands which he held, in capite, by the service of castle-guard tenure, were as follows:—

In Pevington, two knights' fees; in Eastwell, two; in Davington, two; in Cocklescombe, one; in Thornden, three; in Waldershare, three; of Hugh Cheriton, one; in Kennington, two; of Ralph Rovey, one; of Roger Barham, two; of Simon Wellard, one; in Cowdham, two; in Billingham, one; and in Hartwell, one. Total, twenty-four knights' fees.

Deptford was the head of his barony, and it has been said, that his castle, or castellated mansion, stood on the brow in Broomfield, near the bank of the Thames, and not far from Mast Dock, where many foundations have been discovered; but the buildings have long since been buried in their ruins, and another fabrick erected near them, called Sayes Court.

The scanty pages of history say but little of Magminot, after he was appointed to assist in defending Dover Castle. It is said that he left a son, named Hugh, and from him was descended Wakeline de Magminot, who held Dover Castle against the Empress Maud.

In the year 1145, Hugh gave a moiety of Greenwich to the monks of Bermondsey; and he restored to the religious society at Shrewsbury, the lordship of Legh, which his uncle, William Peverell, of Dover, had taken from them.

Wakeline had the lordship of Chippenham, in Dillchart; and in the sixth year of the reign of Henry the Second, he gave forty marks to the King, for the lastage of Hastings, in Sussex.

* Plate ix, fig. 33.

He certified twenty-one knights' fees of the old feoffment, and one of the new; for which he paid eighteen pounds, and one mark, for marrying the King's daughter. He died in the reign of Richard the Second, and left a daughter, who was married to William de Say.

The tower erected by Magminot was a considerable building; and it was placed in the bending of the curtain, towards the south-east; and the front of it, next the ditch, consisted of two circular parts, joined by a sharp angular projection; and, at a small distance, a third circular part, which had a communication with the rest of the building by the parapet on the wall.

When the alterations were made at this place, in the year 1798, in sinking the ground, it appeared, by the old foundations, that Magminot's tower had been a considerable building within the curtain, and was probably the principal guard-room for the night.

The front, next the ditch, commanded the narrow track of level ground towards the north, which was, at that time, the only place where an attack might have been made with the greatest probability of success. From three sides of this tower, within the walls, the arches could defend the Saxon vallum, and the bridge over the interior ditch leading to the keep.

Darell omitted to mention this large edifice in his list of towers in the exterior curtain; but notices three others, nearly fronting the principal gate-way, in the Saxon wall round the keep, as having belonged to Magminot. As this knight was Marshal of the Castle, and it was his duty to watch the motion of the enemy, he would not have been placed in a situation where he could not have seen them; he therefore erected his tower, where he could command a distinct view of the ground, where the chief danger might be apprehended from a besieging enemy.

In the beginning of the barons' wars, the loyalty of many of the great men was suspected, and William de Huntingfield, Constable of Dover Castle, was one of them. When the King appointed him to

this high office, he took every prudent precaution to prevent treachery, by making him give hostages, and swear that he would not yield up the Castle to any one but himself.

As this fortification was, at that time, considered of the first importance to the nation, the King was desirous of selecting a Constable, whose integrity had been proved, and one in whom he might place an implicit confidence.

Hubert de Burgh had distinguished himself in the service of Richard the First; and King John had found him not only active, loyal, prudent, and brave, but learned in the laws of his country; and the time was approaching, when there would be an occasion for the exertion of all his abilities. John not only feared his own subjects, but he dreaded the assistance they might procure from the continent; for he was acquainted with the preparations they were making to invade his kingdom; and he was certain that every precaution was necessary to oppose their landing.

When the Dauphine arrived with six hundred sail of ships, and eighty cogs, at Stonar, in the year 1216, the King was at Dover with his army, which was composed chiefly of foreigners; and he was fearful of trusting them; and this induced him to appoint Hubert de Burgh, Constable of the Castle; when he retreated to Guildford, and from thence to Winchester, with his army.

As the Dauphine did not meet with any resistance, he marched with his men to London, and he was joyfully received by the discontented barons. After he had miserably wasted the counties of Essex, Norfolk, and Suffolk, and collected much plunder, he returned with his army to the capital; and towards the end of June, he came, with a considerable force, to besiege Dover Castle.

The Dauphine made his approach, nearly in a straight line, to the foot of the bridge, by casting up a bank on the right side of his work, at the sharpest part of the hill, where it begins to turn towards the north.

The chalk which was cast out of the line of approach, raised a sufficient bank to cover his men from the archers in the towers between the cliff and the Constable's apartments; and by the sudden bending of the curtain, at the bridge, towards the north, they were covered from the archers, on that side, by the bank of the Saxon ditch, until they approached the Castle-gate.

While the Dauphine was carrying on his works on this side of the hill, Stephen de Pencester, with a body of four hundred horsemen, with arms and engines for defence, had the good fortune to enter the Castle undiscovered, through the sally-port under Earl Godwin's tower. This additional force gave great spirits to the garrison, for they were before very deficient, both in knights and officers; who ought, by the tenure of their lands, to have been at their stations. As the attack was unexpected, the Constable was obliged to arm his own servants, and to place them on the walls, and in the towers.

While the Dauphine was carrying on the siege, the King died; and this encouraged the besiegers to hope, that the Constable would accept honourable terms of capitulation. The Dauphine sent William Longspee, and upwards of forty barons, to confer with him on the state of public affairs, and to endeavour to prevail with him to capitulate. They told him, that, by the death of the King, he was released from his oath of allegiance, and that he might, without any imputation of disloyalty, swear obedience to a Prince, whom his countrymen had acknowledged for their sovereign; and that he would be glad to shew him distinguished marks of favour.

The faithful and intrepid Constable, after holding a conversation with his officers, replied, that the King, his late master, had left a successor, to whom he owed allegiance; and that he would continue true to his trust, and defend the Castle for him to the very last extremity. He added, that he never could believe, that the esteem of a Prince could be obtained by any notorious act of baseness and treachery.

As promises could not warp his principles, they endeavoured to work on his fears. The brother of the Constable was, at that time, a prisoner in France; and they threatened to have him put to death, if he did not deliver up the Castle. As their threats were as ineffectual as their promises, the Dauphine found it would be in vain to waste his time in an hopeless enterprize; and as winter was approaching, he raised the siege, and marched towards London.

While the Dauphine was exerting himself to join the principal places of strength in the kingdom, he received the mortifying message from his envoy at Rome, that the Pope would confirm the sentence of excommunication, unless he immediately quitted England. This compelled him to enter into a truce with the King, until a month after Easter, and to hasten to the continent; and by this step he lost the confidence of the discontented barons.

The Constable had found, by experience, that while the Dauphine lay before the Castle with his army, he carried on his approaches to the foot of the bridge, without their being able to retard his progress; and he saw a material defect in the form of the Norman curtain; and he immediately endeavoured to remedy it, before they should return to besiege the Castle again. He added a considerable outwork¹ before Magminot's tower. On the spur, he raised a parapet² of earth, after the manner of the Romans. In this spur they could command the entrance into the Castle, and the side of the hill, down to the place where the Dauphine first broke ground, that he might not make a second attempt unmolested. As there was no communication between this spur and the Saxon vallum, a very wide and lofty souterrain was made under Magminot's tower, with the entrance in the Saxon vallum.³ It was cut in the solid rock with a considerable descent, and it opened in the exterior ditch.

¹ Plate ix, fig. 35.

² Letter M.

³ Letter P.

On the right hand side of the main souterrain, there was a passage which led to a door nearly under the foundation of the exterior wall, where there was a passage, by a flight of stone steps, into a gallery in the bank of the ditch, which formed a communication between the tower in the angle, and a new one built in the ditch before the souterrain. These galleries were frequent in ancient fortifications; but the use which was made of them is very uncertain.

In order to make a sally, and to secure a retreat from the spur, they built a caponnier¹ across the ditch, from Saint John's tower,² with a gradual ascent, until it opened in the surface, about the middle of the spur, in three branches. The eastern branch had a circular tower in the parapet of this out-work, close by the opening, to protect the men while entering, in case they were repulsed. When the alterations were made at this place, a few years since, the tower was either demolished or buried. At each of these openings, there were originally strong gates, to check the progress of the enemy, if they had driven the archers from the ramparts, and they were obliged to retire into the Castle.

They had also another gate in the caponnier, where the three passages united in one, which was secured with strong bolts and bars.

The communication between the souterrain and the caponnier was through the round tower, in the ditch; and there were strong gates, and a draw-bridge, to prevent the enemy from entering the tower, if they had forced their way to it.

There was an arched passage, by the side of the tower, in the caponnier, to keep open a communication between the different sallies, that they might assist each other, in clearing the ditch of an enemy, if they had forced their way to it.

¹ Plate ix, fig. 37.

² Plate ix, fig. 34.

Saint John's Tower.

The command of this tower was given to a person, by the name of Saint John's. There was an officer of this name, who attended Duke William to England, in capacity of master of the artillery and carriages; and he is registered in the Battle abbey roll; but he who held this tower descended from another family.

Adam de Port, whose ancestor was one of the associated knights with John de Fienes, married Marbel, the grand-daughter of Saint John, of Bassing; and his son William assumed the name of Saint John, from his mother; and his descendants retained it for several generations.

In the fifteenth year of the reign of King John, he gave five hundred marks to have livery of his father's lands, and he covenanted to provide ten soldiers, with horses and arms, for a year, at his own expence.

He was appointed sheriff of Southampton; but the favours he received did not prevent him from joining the discontented barons; but he was among the first of them who returned to his allegiance; for he was in favour in the first year of the reign of Henry the Third, and he probably appointed him to this tower; he was also governor of the islands of Guernsey and Jersey.

This new work, which was undertaken by Hubert de Burgh, was finished before the truce expired between the King and the Dauphine, and when he returned to England, the pope's legate pronounced the sentence of excommunication by name against him, and all his adherents, on Friday in Whitsun week. After this, the affairs of the Dauphine grew desperate. While he was at Lincoln, the legate offered full pardon for all sins, and promised eternal salvation to all those who would assist in retaking that city, and in defeating the rebellious barons.

Such liberal promises gave energy to the King's troops, and they defeated the insurgents. The loss which the Dauphine sustained, compelled him to send to his father for a reinforcement from the continent. The King of France being informed of the steps which had been taken against his son, by order of the pope, was apprehensive for his own safety; and fearing to appear publicly in this business, he left the conducting of it to Blanche, his wife, who assembled three hundred knights, and a considerable number of armed men, with all possible expedition. These were embarked in eight stout ships, and several transports, under the command of Eustatius, a monk. This was about the same time that the Dauphine made a second attempt on Dover Castle; but with no better success than the first. The last attempt was probably intended to conceal his real design of having a body of men on the coast ready to cover the landing of the troops he expected from the opposite shore.

Hubert de Burgh had received intelligence in the Castle, of the preparations going on on the continent; and he ordered Philip de Albany to cruize in the channel with the Cinque Ports fleet; and if he should meet with the French ships, to engage them before they could reach the land. He soon discovered them sailing for England; and he saw that he was inferior in force to the enemy; but trusting to the superior skill of the sailors, he resolved to fight them. By keeping to the windward of the enemy, they had an opportunity of attacking and sinking several of their transports, loaded with armed men; and by a manœuvre, unknown in modern maritime tactics, they prevented the enemy's large ships from boarding them. They scattered lime in the air, which was driven by the wind into the eyes of the Frenchmen; which produced such an effect, that they were obliged to decline the contest. They suffered a considerable loss, both in men and ships; but they arrived at Sandwich, with the remainder of their fleet, and burnt the town, to revenge the injury they had sustained in the action on the water.

Eustatius, the monk, was taken prisoner, and he offered a large sum for his ransom ; but he was informed, that he should never deceive any one again by false promises ; and they cut off his head.

The Dauphine found, after this defeat, that he must make the best terms he could for himself, and he stipulated to receive fifteen thousand marks, to discharge his expences, and to abjure all pretensions to the crown of England. He further engaged to use his influence to restore such places on the continent, as had been taken from the English, or to surrender them when he ascended the throne.

When the Dauphine was the second time before the Castle, Roger, the grand-son of Hugh Bigod, Earl of Norfolk, and steward of the King's household, commanded in Magminot's tower. He had the title of steward confirmed to him, and he was to hold the office as freely as his ancestors had done before him. For this honour he paid a thousand marks. He continued in power until towards the close of the reign of King John ; and his loyalty was rewarded with several places of honour and emolument.

He was, in the seventeenth year of that reign, among the discontented Barons, who met first at Stanton, and then at Brachley, where they imposed the hard condition, of putting the government of the kingdom into the hands of twenty-five barons, of their own party ; and this Earl was to be one of the trustees. For this stretch of power, the pope excommunicated both him and his party.

He was a loyalist in the reign of Henry the Third, or he would not have had a tower in Dover Castle under Hubert de Burgh. In the fifth year of Henry's reign, in the great council held at Oxford, they determined a dispute in favour of this Earl, against the Earl of Leicester, relative to the stewardship, and ten knights' fees, which were given up to him, as he had before possessed them. He lived but a short time after holding this council, for Hugh, his son, had livery of his lands the same year, upon performing his homage.

Hubert de Burgh.

This gentleman made a conspicuous figure in defending and fortifying the Castle; and, in the beginning of the reign of John, he was high in favour with his royal master. He was sent by him to the court of Portugal, to treat about a marriage with the King's daughter. For this service, he was appointed Lord of the Household, and Warden of the Marches of Wales, and he had one hundred soldiers to attend him on that duty.

As a further proof of royal confidence, he was ordered to fortify Dunster Castle, in Somersetshire; he was appointed sheriff of Cornwall, and governor of Landstaneton Castle. He was next sent ambassador to France, to treat with Philip for the restitution of Normandy. The King seemed to place such implicit faith in his integrity, that between the third and fifth years of his reign, he filled the office of sheriff for the several counties of Somerset, Dorset, Hereford, Berks, and Lincoln, at the same time; but these honours were very inconsiderable, when compared with others which the King conferred on him.

It appears that he was seneschal of Poictou, and one of the commissioners, on the part of the King, to treat with the great barons at Runimede, when they obtained the great charter, and the charter of Forests. He was considered as a learned man in the laws of the realm; and the King, in the presence of his nobles, appointed him Lord Chief Justice of England; and, within a month, sheriff of Kent and Surry, and governor of the castles of Canterbury and Dover. Riches and honours flowed in so fast, that before the patent could be made out for one gift, he had several others given him. To his various and lucrative posts, there were added the sheriff of Hereford, and the governorship of the castles of Hereford, Warwick, and Shrewsbury; with the custody of the honour of Reileigh, and the lordship and hundred of Hoo.

At a meeting held in Erith church, in Kent, he was deputed to treat, with the Earl of Clare, and others, to promote a peace between the King and the great barons. This highly favoured statesman, wise

in council, and brave in the garrison, saw that the Castle of Dover might be surprised, and taken, under the mode of defence, as settled by John de Fienes, for want of a sufficient number of knights and men to defend the walls and the towers; as those who held their lands by castle-guard tenure, retired to their country residence, as soon as they had performed their month; and they were succeeded by the next in rotation.

To remedy this defect, the Constable, with the consent of the King, and the approbation of the knights, changed their personal service for a stipulated sum paid by each of them, in proportion to their several grants. This change produced a regular garrison of officers and men; and the stipendiaries he had always upon the spot, were better trained, than those which had been sent by the associated knights.

To prevent any surprise, he appointed a proper guard, under the controul of the Marshal, or the principal officer on duty, and he ordered a horn to be sounded every hour by the sentinel at the gate, and the watch word, "all is well," to be passed from one to another, all over the garrison. The paying a sum of money, in lieu of personal attendance, was afterwards considered as a hardship by the knights, in some cases; and it was enacted,¹ that the Constable should not distrain any knight, to pay money for castle-guard, if he would do it in person, or cause it to be done by another.

Henry the Third no sooner ascended the throne, but he shewed the high opinion he entertained of the services of Hubert de Burgh; for he had livery of the manor of Wallden, in Essex, which was part of the dower of the Countess of Gloucester, his second wife. He had also livery of the manors of Lessington, Westleur, and Stock, in the county of Nottingham; and, upon the death of William Mareschall, Earl of Pembroke, he succeeded him in his office. In the fifth year of this

¹ Stat. 9 Henry 3.

reign, being with the King at York, he was married, by the Archbishop of that see, to Margaret, the sister of the King of Scotland, his third wife. This led to the title and dignity of the Earl of Kent.

When the scutage was collected at Kerry, he answered for fifty-six knights' fees, and one half of a fee, of Henry de Essex; for fifty of the manor of Hagnet; and for thirty-one, and one half, of the manor of Peverell; and the office of Chief Justice for life was granted him.

Upon his re-appointment to the castles of Rochester, Canterbury, and Dover, he had the revenue of the port of Dover, with a salary of two thousand marks, to be paid out of the exchequer, and two hundred more for the government of the castle of Montgomery; and this latter salary was augmented in the time of war. This favourite was always ready to ask, when the King had any thing to give; and he procured an increase of property, in lordships and manors, in different parts of the kingdom, besides money, and other rich valuables.

He had not been long fixed in the office of Lord Chief Justice of England, before the folly of the citizens of London furnished him with a pretence, for exercising an arbitrary stretch of power, which had been exercised by his predecessors in office. His conduct proved, that a military officer, of the first rank, might be improper for a civil judge. In a wrestling match, between the young men of London and Westminster, an affray happened, which was likely to terminate in a dangerous insurrection. The Chief Justice had several of the rioters apprehended; and his violent proceedings, and wanton barbarity, paint, in strong colours, the abuse of power in the barons, before it was restrained by the great charter; which says, "no freeman shall be taken, or imprisoned, or disseized, or outlawed, or banished, or any way destroyed, or sentence passed upon him, unless by legal judgment of his peers, or by the law of the realm."

The Chief Justice thought of nothing but revenge; and when a person by the name of Constantine, who was one of the foremost in the insurrection, and several of his associates, were brought before him,

and offered to vindicate their conduct, he ordered them all, excepting one, to leave the room, and he condemned him to be hanged the next morning, without any further hearing. But this was not, in his opinion, sufficient to expiate the guilt of others, and, in a few days, he ordered several of them to be apprehended in their own houses; and when they were brought before him, he condemned some to lose their hands; others, either their ears or their noses; and when they were cut off, he sent them back, in their maimed state, to the city. As he considered the magistrates involved in their guilt, for suffering a riot, he displaced them, and compelled thirty of the most respectable citizens to find pledges for the security of the peace.

These arbitrary proceedings greatly alarmed the barons; and the Earl of Chester, the Regent, and several of the nobility, and foreigners, who were favourites of the King, were very much displeased at his loading the judiciary with such a profusion of his choicest gifts, and they determined to work his ruin.

The King had ordered a large army to be raised, and to assemble at Portsmouth; and when they met at the place of rendezvous, there were not a sufficient number of ships to transport one half of the men. This omission was attributed to the Chief Justice, and the King called him an old traitor, and accused him of being bribed by the Queen of France. He drew his sword, and would have killed him in his passion, if he had not been prevented. The Chief Justice withdrew, until the King's anger was a little appeased; and he then appeared again, to procure further favours.

In the fifteenth year of the reign of Henry the Third, he had a grant of the custody of all the lands of Gilbert, Earl of Gloucester; but he very probably saw, at that time, the gathering storm; and, while he had any remaining influence, he endeavoured to prepare against it. He obtained of the King a charter of privileges, to enable him to serve the office of Chief Justice by a substitute, of his own nomination, in case he should be beyond the sea, on any foreign ser-

vice, or on a pilgrimage. He also obtained the office of Chief Justice of Ireland for life, and the custody of the Tower of London; the castles of Odyham and Windsor, and the wardship of that forest, and the castle at Tunbridge; but this grant raised him up a formidable enemy.

The Archbishop of Canterbury complained to the King, that his justiciary had procured the town of Tunbridge, and other lands, late the Earl of Gloucester's, for which homage was due to the church at Canterbury. To this the King replied, that the Earl held of him in capite; and that it was his prerogative to dispose of wardships as he pleased.

The Archbishop, finding that there was but little probability of any redress from the King, excommunicated all those who had entered upon the estates; and he extended the sentence to all those who should hold any intercourse with them. As he determined to prosecute his suit in the pope's court, he immediately set off for Rome. He died on the journey, and the controversy expired with him.

There were, at the same time, two great favourites at court, envious and jealous of each other, and they both seemed determined not to have a rival in their royal master's regard.

This induced them to employ all the arts of the courtier, to secure their interests; and the event will shew, how dangerous it is to rest on the intrigues of those, who move in the first ranks among men.

The Chief Justice, being desirous of lessening the power of the Regent, endeavoured to free the King from his guardians; and he obtained a bull from the pope, declaring him of full age to take the reins of government in his own hands at seventeen; and his holiness enjoined all those who had the custody of any of the King's castles, to deliver them up to him. This step gave offence to the great barons, and they peremptorily refused to comply with the injunctions; as the King could not, by the law of the realm, be of full age, until he had completed his twenty-first year.

If this scheme had succeeded without any opposition, it would have secured the interest of the Chief Justice ; but the jealousy of the barons, at the increasing power of the pope, and the influence of the Regent, had such an effect on the mind of the King, that he yielded to the Regent's solicitations, and dismissed Hubert de Burgh from the office of Chief Justice, and from the governorship of the castles of Dover, Canterbury, Rochester, Odyham, Hertford, Colchester, and the Tower of London. When they had stripped him of his high office, and all the places of strength, they resolved to leave him a striking example of fallen greatness. He was still in possession of an immense property, sufficient to render him formidable ; and they concluded, that their only safety would be, to complete his ruin. They called upon him to render an account of all the public money expended by him, from time to time, or by his order ; and of all the debts owing to the late, or the present King. They also demanded a schedule of all the lands in England, Wales, Ireland, and Poictou, belonging to the King, from the death of the Earl of Pembroke, which was the time of his taking upon him the government of the kingdom. They further demanded a list of all the liberties in the King's forests, warrens, and all other places, and whether they had been preserved or alienated, and to whom. They also required an account of the fifteenths and sixteenths, and all other taxes and impositions, paid either into the exchequer, the new temple at London, or any other public fund. Also of all fines for releasing the King's rights, as well of lands as moveables, and whatever might have been lost through his neglect, or by any other means ; neither did they omit any thing which would tend to complete his ruin.

To this formidable list of demands he answered ; that his master, King John, had such confidence in his integrity, that he had given him a general charter of release of all demands which might be made upon him.

The Bishop of Winchester, his implacable enemy, objected to the validity of the charter, and said, that it could not be binding on the heirs of the late King. To prevent their being foiled, by producing a general release, they invented new accusations against him, of such extraordinary nature, that they confuted themselves; but they hoped it might answer their purpose, of raising a public clamour against him, and give the appearance of justice in their favour. They said, that he had taken a precious stone out of the King's treasury, which possessed such extraordinary qualities, that whoever had it with him, would be victorious in the day of battle. This inestimable stone, they said, he gave to Leoline, Prince of Wales, who was the King's enemy, and all the favours he had obtained was by sorcery and enchantment. He was committed on these charges, and time was given him to plead to them.

As he was deprived of his power, and his property was in danger of being wrested from him, he was soon forsaken by those who had courted his favours in the sunshine of prosperity; but it was his consolation, when oppressed by a change in the times, to have one friend in the Archbishop of Dublin, who dared to solicit earnestly of his enemies to soften their resentment, but it was without effect. The multitude, finding the tide of fortune ebbing much faster than it had flowed upon him, implicitly believed the evil reports of his enemies, and public clamour was raised against him; and the King issued his proclamation, informing every one that they should be heard, if they had any complaint to make against him.

Hubert de Burgh, seeing his utter destruction intended, and that it would be in vain for him to vindicate himself against the charges brought against him by his inveterate enemies, fled to the priory of Merton, in Surry, for sanctuary.

The King, upon hearing that he had taken this step, summoned him to appear in his court, and plead to his indictment; but as he had fled to his last refuge in his distress, he refused to quit his asylum.

This conduct highly incensed the King; and he issued his precept to the Lord Mayor of London, to send all the citizens who could bear arms to Merton priory, and to take him away by force. There were twenty thousand men armed on this occasion, which alarmed the fears of a great number of people; and they made them known to the Bishop of Rochester; but he said, that the King's commands must be obeyed.

Hubert de Burgh, being informed of these violent proceedings in his sanctuary, went to the high altar, and devoutly kneeling before it, committed himself to God, and waited patiently for their coming. The Earl of Chester, hearing of these violent measures, went immediately to the King, and represented to him how disgraceful it would be, to murder a person by a mob, who had rendered him such essential services; and when the business was done, and the people undeceived, he might find it a difficult task to pacify them. This alarmed the fears of the King, and, by the advice of the Bishop of Chester, the mob was dispersed.

The Archbishop of Dublin embraced this opportunity, and applied for time for his friend to make his defence, and to answer his accusers; and for a licence of permission for him to visit his wife, then at Saint Edmund's Bury. This leave was granted him; but as soon as the King heard that he was at a manor house, belonging to the Bishop of Norwich, he sent Sir Godfrey de Crawcumbe, with three hundred soldiers, to bring him to the Tower of London, as he valued his own life.

Some friend had given the fallen courtier notice of his danger, and he jumped out of his bed, and, without dressing himself, fled to a chapel near the house; and, at the altar, with the cross in one hand, and the host in the other, he waited their coming. Sir Godfrey requested him to leave his sanctuary, and go with him to London; but this he refused; and as the knight had positive orders to produce

him, he dragged him from his asylum, and carried him to the Tower, with his legs tied under the horse's belly.

The Bishop of London, hearing of this outrage, committed against the privileges of the church, went to the King, and declared that he would excommunicate all those who had been concerned in breaking the peace, if the prisoner was not immediately released, and restored again to his sanctuary.

The King was obliged to submit; but he issued his precept to the sheriffs of Essex and Hertfordshire, to go in person, with the posse comitatus, and encompass the chapel; and, on pain of death, not to suffer him to receive any food. This soon compelled him to quit his asylum, and surrender himself, and he was again carried to the Tower. The Archbishop of Dublin ventured again to intercede with the King for him; but his enemies had so far gained the ascendancy, that he would not grant him any favour, beyond his remaining a prisoner for life; or his abjuring the kingdom for ever, and declaring himself a traitor; but these proposals were rejected with indignation.

While the friends and the enemies of this great man were endeavouring, the one to release, and the other to ruin him, the King received information, that he had deposited an immense treasure in the new temple in London. The master of the templars was sent for to court, and the King demanded the property; but the whole community unanimously refused to deliver it up, without the consent of the proprietor. This was readily obtained; and he gave up the key of the rich valuables, and himself to the mercy of the King. After the King had obtained his plate, money, and jewels, he was not for pursuing such violent measures. He said, the riches convinced him of his guilt, and he deserved death; but he remembered his past services, and therefore he would permit him to enjoy all the lands which had been granted him by King John, and also what he had acquired by family connexions. Though he was bailed by three Earls from his rigorous imprisonment, he was not permitted to have his enlargement; and the most favourable

terms they could obtain, were to remove him to the castle in the Devises, and confine him in the keep, under the custody of four of their own soldiers, and a fifth belonging to the Earl of Lincoln, who was his keeper. There were special orders issued, that no person should have any access to him; and the servant who supplied him with provisions, was not to go any further than the gate of the tower in which he was confined.

While he was immured in this castle, one of his greatest enemies died; and his friends procured of the King a free pardon, and a grant for his heirs to enjoy all his lands which he had by inheritance; but the King's demesne lands were to depend upon his royal favour.

He was, on his part, to renounce all claims to the title of Lord Chief Justice of England, and the governorship of several castles which had been taken from him; but Peter de Rupibus, the Bishop of Winchester, determined, if possible, to complete his ruin, before he could obtain his enlargement; and he solicited the King to be appointed governor, that he might have an opportunity of bribing his guards to murder him.

Hubert de Burgh had private intimation of the diabolical design of his implacable enemy, and he found means to communicate it to his keepers. His situation excited their pity; and, by the assistance of one of the soldiers, he escaped in the night, and fled for sanctuary to the parish church. The alarm of the escape was soon given, and the guards, with torches and clubs, followed him; and finding him prostrate before the altar, they forced him from his asylum to a more rigorous confinement. The Bishop of Salisbury, hearing of this outrage, excommunicated all parties; and, taking with him several other Bishops, went to the King, and made such a strong remonstrance, that he was suffered to go again to his sanctuary; and a precept was issued to the sheriff of the county to surround the church, to prevent any provision being carried to him. He was soon reduced to a deplorable situation; and some of the soldiers pitying him, they dressed him in a

military habit; and, in a dark night in the month of November, they sent him off, and he arrived safe in Wales. This was a great mortification to the Bishop of Winchester, as he was out of his power, and might prove a dangerous enemy to his proceedings. In a treaty which was opened soon after his escape, it was agreed in the articles for peace between the Prince of Wales and the King, that a reconciliation should first take place between him and all his nobles, who had taken any part against him. Hubert de Burgh was among those who met at Gloucester, and he apparently had a favourable reception with the King; but as there was no reconciliation between him and the Bishop, there was not much reason to conclude that it would be permanent.

The King was highly offended with him, because Richard, the Earl of Gloucester, a minor, had married his daughter, without his licence first obtained; but, upon inquiry, he was satisfied that her father was unacquainted with it, and his anger was appeased with a considerable sum of money.

It was the misfortune of Henry the Third to be influenced by a set of rapacious foreigners, whom he could never satisfy; and he was frequently induced to accuse his nobles of malpractices, that he might, by alarming their fears, more easily extort money from them. Hubert de Burgh found himself in this situation; and on his trial, he clearly proved, that he never had been a traitor, either to the King or his father; but this did not satisfy him, until the persecuted Earl delivered up his castles in Wales, and the castle of Hertleigh, with the town and park.

After they had plundered him of all his places of honour and emolument, he was suffered to enjoy the wreck of his remaining property in peace.

Hubert de Burgh, in the time of his prosperity, had been a liberal benefactor to the church. After experiencing a variety of the vicissitudes of fortune, he died at Banstede, in May, 1243; and he was buried in the church of the Black Friars, in London.

*Fit:williams' Tower.**

This tower was built in the curtain, on the north-east side of the Castle, on the same plan as Magminot's tower, in the front next the ditch, but upon a more contracted scale.

There were several appendages added to this building, after it was first erected ; and lands granted to support them at Tunbridge, Ham, and Whitfield, besides those given by John de Fienes.

There was a souterrain[†] at this tower, and the entrance was in the interior ditch, in the side of the Saxon vallum. There was a portcullis across the passage, which was raised by the side of the tower. By the aid of the mason, they carried a caponnier across the exterior ditch, and through the bank, and it opened into the north meadow.

In this work they had contrivances to retard an enemy, who might endeavour to force their way through it into the Castle. In the souterrain in the exterior bank, there was a large gate, the width and height of the arch, which hung upon two large pivots, in stone sockets, and when shut, it was secured with bars, which fixed in the walls. They had some mechanical contrivance for opening this gate, for they raised it nearly to the top of the arch ; and it was there fastened, in a place made to receive it, parallel to the horizon. By suddenly letting down the gate against the stone abutments, built in the wall to receive the gate, the weight and the velocity would have driven back any number of men, who could have opposed their strength to it, in pursuing a party into the Castle, after an unsuccessful sally.

If they had forced the first barrier, there was a draw-bridge to raise before the arched passage in the ditch, which led into the tower. This old sally-port, which has been partly closed up for ages, has been opened, and many new contrivances added for destroying an enemy, according to the rules of modern tactics.

[†] Plate ix, fig. 40.

* Fig. 41.

Fitzwilliams was, like many men of rank in his time, a soldier by profession; and, being desirous of military fame, he accompanied Duke William to England, and he appointed him marshal of his army. In the battle with Harold, he distinguished himself in such a singular manner, that the Duke, after his victory, gave him the scarf froin his own arm. He married Emma, the daughter of Solubris, a Norman knight.

He held three knights' fees, by castle-guard tenure, as an associate with John de Fienes. He had one fee at Dene, or Downe, in Kent, occupied by Robert de la Downe; and he was to be on duty in the Castle fifteen days before the festival of Saint Michael, and fifteen days before Easter. He had one fee at Hartshanger, occupied by Robert de Hartshanger; and he was to enter on his duty fifteen days before Christmas. His third fee was at Graveney, in Hertfordshire, and the tenant entered on his duty fifteen days before the festival of Saint John; and each of them were a month in a year at their stations in this tower.

Saint John commanded afterwards in this tower, and gave his name to it. He was the male heir of Adam or Hugh de Port, and he assumed the name of his grandmother of the female branch; and he subscribed himself William de Saint John. In the fifteenth year of the reign of John, he gave five hundred marks to the King, to have the livery of all the lands which belonged to his father. He covenanted with the King, at the same time, to provide ten soldiers, well provided with horses and armour, at his own expence, to serve him for a year in Poictou.

He was afterwards appointed to be sheriff of Southampton. Like many of the great men of his time, he was dissatisfied with public measures, and he joined the discontented barons, and appeared in arms in defence of the rights of the people. The King seized on all his lands; for John Mareschal had a grant of them, to support himself, while he was in the King's service, in the beginning of the reign

of Henry the Third. He soon after made an offer of submission and loyalty, and was graciously received; and he regained both the confidence and the favour of his Sovereign, who gave him the governments of the islands of Guernsey and Jersey.

He complied with the customs of the times, and gave something to the church. To the monks of Boxgrove he confirmed the grants of his predecessors; and he gave them twelve virgates of land, near Walbornton, and pasturage for twelve oxen, and as many cows. He also gave part of his wood, near Boxgrove, and two virgates of land, to the church.

*Watch Towers.**

As these towers never had any knights appointed to them, nor any land given to keep guard in them, they might have been a part of the Saxon masonry left standing in the curtain.

*Albrincis, or Averanche's Tower.**

This tower, which was built by William Albrincis, a confederate knight, is one of the most perfect and curious of all the remains of the Norman buildings.

It was placed in the angle of the curtain, and the ground being uneven near it, they laid the foundation below the bottom of the deep ditch, on the north-east side, and the wall was carried up about ten feet thick, to a level with the Saxon vallum.

In this wall they built a gallery, with platforms behind the slits in the wall, in each of the five sides in the tower. At every angle there were several stone steps, leading from one platform to another; and the arch ascended in proportion to the rising of the floor.

* Plate ix, fig. 42.

* Fig. 43.

In the tower there was a room, arched over, and open in front, which might be a recess for the weapons, and the machines they used in defence of the place.

Over this room there was a platform, and the gallery in the wall opened upon it. There was a circular stone staircase leading from this platform to the top of the tower, where they could observe the motion of the enemy, and make signals, to be seen by those in the Roman fortress.

In the wall, on this story, there was an arched gallery, supported with small columns, open in front, and three elliptic arches; and the men on duty were perfectly secure, and sheltered from the weather. The archers could command a considerable length of the ditch, on the north-west and south-east sides of the tower, and also the approach to Earl Godwin's tower. The two sides of the platform, in the Castle, were quite open; and near the openings of the galleries, there was a machecolation in the wall, for pouring down hot water, burning sand, or melted lead; or whatever the besieged might deem expedient, if the enemy approached so near as to be annoyed by it. From the platform there was a covered way in the bank, on the side of the wall leading to Pincester's tower, in the next angle of the curtain.

William de Albrincis, or Averanche, or Evering, as his name has been written in Latin, French, and English, was Viscount d'Averanche, in Normandy, and the first named on the list of knights, with John de Fienes. Folkstone was the head of his barony; and the lands which he held, by castle-guard tenure, were as follows.

The quantity of land taxed was forty solins. There were fourteen carucates in demesne, two hundred and nine villains, eighty-three borderers, with forty-three carucates; three servants; five churches, and pannage for forty-nine hogs; seven mills, at the yearly rent of nine pounds twelve shillings; and one hundred acres of land. The whole was valued, in the time of Edward the Confessor, at one hundred and eighteen pounds; but when the Norman survey was

made, it was estimated at no more than forty-five pounds seven shillings.

He held twenty-one knights' fees, viz. In Tracolnestone, Norfolk, three; in Claye, one, and three-quarters of a fee; in Steringham, one-quarter. In East and West Langdon, Kent, two knights' fees; in Swingfield, two; in Folkstone, one-half; in Hawkinge, one; in Alkham, one, and one-half; in Everinge, one; in Boyton, one-half; in Enebroke, one; in Caseborne, one; in Censtone, one; in Ardene, one-half; in Brandestone, one; in Hawkeswell, one-half; in Cloptone, one; in Lyddon, one; in Pryne, one-half.

His son, Hugh Lupus, was created Earl of Chester, by William the First, and Count Palatine; and he gave him the district of Averanche, to hold by his sword, as he held the kingdom of England by his crown.

William de Albrincis married the daughter and sole heiress of Nigel de Mandeville, who brought with her the hundred of Folkstone. Folkstone was his chief residence; and it has been said, that he built a new fort there, on the ruins of a castle, erected by Eadbald, the son of the first Ethelbert, on the south side of the town.

Albrincis died the same year the King did, in Normandy; and he left a descendant, by the name of Simon; whose son, William, paid, upon levying the scutage in Wales, forty-three pounds for twenty-one knights' fees, and one-half of a fee of the old feoffment; and five marks for eleven knights' fees, and one-half of the new feoffment.

Geoffery Fitz-Peter procured a grant for a weekly market at Folkstone, on Thursday, in the sixth year of the reign of King John, and it was confirmed to William de Albrincis, the younger, with a grant for a yearly fair on his demesne lands. In the following year, he joined the rebellious barons; and he was one of those who defended Rochester Castle against the King; and being taken prisoner, he was committed to the custody of Peter de Manley, who sent him to Corfe Castle.

His mother obtained letters of safe conduct to visit him ; and soon after her return, he received a message from the King, then at Dover, that if he would come to him, he should be favourably received. At his interview with the King, he gained his liberty, on giving his daughter as an hostage ; he had letters of safe conduct, to raise money for his redemption, in any part of the kingdom.

The young lady continued in her disagreeable situation a considerable time, before she was released by an exchange. As they could not raise a sufficient sum to satisfy the King's demand, his mother was obliged to sell the lordship of Sutton, in Sussex, to the monks of Robertsbridge.

He married Maude, one of the daughters and co-heiresses of Hawyse, who had estates in the counties of Stafford, Essex, Hertford, and Bedford ; and died in the fifteenth year of the reign of Henry the Third.

Hubert de Burgh had the custody of his heir ; and the Bishop of Exeter afterwards obtained the wardship, for a fine of two thousand marks, to marry him to a daughter of Richard de Chilham. He lived but a short time after his marriage, and he was the last of the male line of his family. Arms—Or, five chevrons gules.

*Veville, or Pencester's Tower.**

This building was in the angle of the curtain between Albrincis and Godwin's towers.

It was probably built by that Earl, when he opened the entrance into the Roman fortress ; and when John de Fiennes took the command in the Castle, he might first appoint Veville to it, as he is the first on record ; and the manors of Postling and Horton were given to defend it.

* Plate ix, letter b.

Stephen de Pencester commanded in this tower, after he had conducted the four hundred men into the Castle, while it was besieged by the Dauphine. This reinforcement raised the spirits of the besieged, as much as it damped the ardour of the Dauphine, and his associates; and they soon quitted a place, where they had wasted their time, and exerted their skill, to so little purpose.

Several bomb-proof casemates have been made on this side of the Castle, in the bank between Fitzwilliams' and Pencester's towers, which open on the Saxon vallum.

In making these additions and alterations, the vaulted gallery, and the room under the platform, at Albrincis' tower, have been enclosed by a high bank of earth; but a passage has been left to them from one of the casemates. The old idea of the necessity of a covered way, between the Roman and the Saxon fortresses, has been adopted by the engineer; and a large arch has been turned, at a considerable expence, through the Saxon vallum, which was made when they extended the fortifications on this hill.

A great change has been made in the appearance of the Castle, between Pencester's tower and Earl Godwin's gate-way, by casting up works, which have intirely covered all the ancient ground plans, and the connecting parts between the Roman and Saxon fortifications. The vallum, made by Earl Godwin, across the Roman ditch, the souterrain, the sally-port, and the turrets of the towers in the exterior wall, are all hid from the eye of the antiquary, at this place.

*Ashford Towers.**

There were three square towers, between Earl Godwin's gate-way and the edge of the cliff, in the long curtain on the north-east side of the Castle. As the ditch at this side was very deep, the wall high, and the ground beyond them steep and uneven, there was but little danger

* Plate ix, fig. 46.

to be apprehended, while they fought with bows and arrows, at this part of the Castle.

Sentinels were placed there to keep watch ; and the lordship of Ashford, containing two knights' fees, was given for this purpose ; and they have retained the name of Ashford towers.

On the back of this curtain, in the north meadow, new hills have been raised, and old ones altered ; bomb-proof batteries have been built, and souterrains have been excavated, and arches turned with brick, at an immense expence, to every part of the out-works, to keep open a free communication with the garrison ; and the usual methods have been adopted for destroying an enemy, hardy enough to venture into the souterrains, to force their way into the Castle.

On the side of the Castle, fronting the sea, in sinking the ground for a road across the Castle, from the new gate-way towards the north curtain, and at no great distance from the cliff, the workmen discovered a well, which was partly filled up.

A new hospital is erected between the road and the cliff, which is in a very exposed situation ; and the chilling blasts of a winter's season cannot be very favourable to the many diseases which soldiers are subject to.

It was near the scite of this building, that Doctor Jefferies and Monsieur Blanchard took their departure, when they launched their balloon in the air, to pursue their aeronautic voyage to the continent, on Friday, the seventh day of January, 1785.

These gentlemen had been waiting at Dover a considerable time, for a steady and a direct breeze, to favour their hazardous enterprize ; and during this interval, a Mr. Sadler, a competitor for fame with themselves, came with his balloon to Dover, with an intent to ascend from the town, for the continent. While Mr. Sadler was making the necessary preparations, he found, upon opening his balloon, that it had received damage in its passage from London ; and he was obliged to return to town to have it repaired.

This accident gave Messrs. Jefferies and Blanchard hope, that they should obtain the wreath of laurels without a rival; and they determined to take the first opportunity to accomplish their wish.

Before Mr. Sadler could return to Dover, the wind changed to north-north-west, early in the morning; and though there was but a very gentle breeze, the apparatus was prepared for inflating the balloon with inflammable air.

To ascertain the true direction of the wind, while the balloon was filling, a paper kite was kept flying, from the edge of the cliff; and several guns were fired, at intervals, from the Castle, as signals to the neighbouring gentry, that they were preparing for their departure; for they had several times attended, and had been as often disappointed, either by the shifting or the falling of the wind.

The balloon being nearly filled by one of the clock, preparations were made for departure; the boat was made fast to the balloon; and their cargo, consisting of nine bags of ballast; the French edition of Monsieur Blanchard's aerial voyage with Mr. Sheldon; a bladder, containing several letters; a compass; a few philosophical instruments; a beautiful English and French silk flag; a few biscuits; a small bottle of brandy; and two cork waistcoats, to guard against accidents, were put on board the boat.

This cargo, with the two aeronauts, so exactly balanced the balloon, that when they glided off from the edge of the cliff, they remained suspended nearly in the same horizontal level, or about two hundred and sixty feet above the surface of the water.

In the French account of this voyage, which was sent from Calais, it was said, "When we first discovered them in the middle of the channel, they were about four thousand five hundred feet high in the atmosphere."

This was a great mistake; as the balloon was visibly sinking, to those who observed it with their telescopes, at Dover; by the time it

was at the middle of the channel, they were seen casting over several bags of ballast, to prevent it sinking into the element below them.

The same account also says, that "Monsieur Blanchard directed his course to La Blanche, it being the most elevated object on the coast; and by close hauling the wind, he avoided being driven into the North Sea."

This is ascribing much more to Monsieur Blanchard than he was capable of performing. I observed him, soon after he had quitted the cliff, take one of the oars, and use it in the air, in the same manner a mariner might do in the water, and it changed a little the position of the boat; but it was carried on with the balloon in the same direction as the wind set them.

Every praise is due to Monsieur Blanchard, for his care and attention in conducting the business, and in having every thing properly adjusted; and for his steady and cool fortitude, in putting this bold design into execution; but he could no more alter the direction of the balloon, from the current in which it was driven by the wind, than a small bird, suspended in a chip basket, could direct the course of an eagle through the air.

When they arrived within six miles of the French coast, they descended so rapidly, that they judged it expedient to cast over all their remaining cargo; and with it, in their hurry, their coats and waistcoats; and they put on their cork jackets, which lightened the balloon so much, that it ascended a considerable height in the atmosphere; and it carried them about two leagues and a half from the coast; and they descended, about half past three of the clock in the afternoon, in the environs of the forest of Guines; where a numerous body of people were assembled, to congratulate them on their safe arrival, and to conduct them to Calais.

Queen Elizabeth's Pocket Pistol.

Near the edge of the cliff, there is a beautiful piece of brass ordnance mounted, twenty-four feet in length, which will carry a twelve-pound shot, and was cast at Utrecht, in the year 1544. It is said, that it was presented by the States of Holland to Queen Elizabeth, and it is called her Pocket Pistol.

The piece is beautifully ornamented with several emblematical figures, representing the horrors of war, and the blessings of peace.

On the breech of this gun are the following lines, in low Dutch :—

“ Breeck servet al mure ende wal

“ Bin ic geheten

“ Doer Berch en dal boert minen bal

“ Van mi gesmeten.”

In English :—

“ O'er hill, and dale, I throw my ball,

“ Breaker my name, of mound and wall.”

The far greatest part of the ground on the side of the Castle hill, next the cliff, has either been covered with magazines and other buildings, parks for shot, mounds of earth, and ventilators, made for case-mates, in the front of the cliff, for lodging the soldiers ; that an engineer, in future, will find it extremely difficult to find a vacant place for a redoubt, or a bastion ; and he must content himself with the humble plan of reforming what his predecessors have done in the Castle.

CHAP. III.

The Annals of the Castle ; or a relation of the visits of the Royal, and other Great Persons, who have been to the Castle at different times ; the business they transacted, and other miscellaneous matters.

This Castle was anciently visited by several of our Kings, when the affairs of the nation called them to the coast, or the continent. It was considered, by the Kings of the Norman line, as a place of perfect security ; and every necessary accommodation was provided for their reception, according to the custom of the times.

When the royal precept was issued to the Constable, signifying the King's intention of being at the Castle on a certain day, it was the business of the Marshal, upon receiving the order, to provide such necessaries and delicacies as the country afforded ; and they were demanded of the neighbouring peasants in the high tone of authority, and exacted with a rigorous hand. The barons, and the knights in their castles and castellated mansions, armed, and cased in steel, took from the defenceless inhabitants of the adjacent country whatever they wanted, under the denomination of prise and forage.

Prior to the reign of Henry the Third, the Constable of Dover Castle, and his knights, laid heavy contributions on the neighbouring peasantry, in exacting hay, corn, provisions, straw, and whatever they might want for themselves or their cattle. This was not only a heavy

expence, but a grievous burden to the burgesses of the town, and the farmers; and they were considerably increased, in making provision for a royal visit to the Castle.

As King Stephen died at Dover, in the month of October, 1154, he very probably breathed his last in the Constable's apartments, or at one of the religious houses.

About two years after the death of Stephen, Henry the Second came to the Castle, in his way to Normandy. He was going to the continent to claim Nantz, as his right by succession.

Richard the First came to the Castle, prior to his embarking for the Holy Land; and he sailed from Dover, with a fleet of one hundred large ships, and eighty galleys, and landed at Graveline.

The providing for so many persons, when the King visited any of his castles, was loudly complained of by the barons, and the great men of that time; and, in the ninth year of the reign of Henry the Third, the exactions and oppressions of constables and purveyors of castles over the defenceless inhabitants, received a considerable check. In the charter which he confirmed to the barons, it is said, "That no constable, or bailiff, shall take corn, or other chattels of any man, if the man be not of the town where the castle is, but he shall forthwith pay for the same, without respiting the payment; and if he shall be of the same town, the price shall be paid him within forty days."

The constables had also assumed an unwarrantable authority over the knights, who were bound by their tenures to keep ward in the castles, and they fined them at pleasure for not appearing in person, if they sent a substitute to do their duty, when they were sent by the King into the field. This was considered an arbitrary and an unjustifiable step; and it was declared in the charter, "That no constable shall distrain any knight, to pay a fine for keeping his castle, if he performs the service himself, or by a substitute, when he is prevented by a reasonable cause. If we do send him in our army, he shall be free from castle-ward, for the time he shall be with us in our host."

This Castle frequently changed masters during the turbulent reign of Henry the Third. The King, having made peace with Spain in the year 1255, and settled his affairs in Gascony, asked permission of the King of France, to pass through his kingdom, in his way to England. He had with him the Queen, and her sister, with the Countess of Cornwall, and about one thousand horsemen, in his suit. The favour was granted; and, after having an interview with the French King, he came to Bolougne, and from thence he sailed to Dover, where he arrived on the Sunday after Christmas. He was met by the Earl of Cornwall, and many of the nobility, bishops, abbots, and priors, who conducted him to the Castle; and there they made their offerings of gold and silver, towards paying the debts he had contracted, and which were very great.

In the year 1259, Richard, King of the Romans, signified his desire of visiting his friends in England, that he might see after his affairs; but the great barons disapproved of the step; and they sent the Bishop of Worcester, the Abbot of Saint Edmund's Bury, Peter de Savoy, and John Mansel, to demand of him the reason of this sudden visit to England; and to insist on his swearing, that he would assist them in completing their intended reformation.

He not only refused to comply with their request, but he seemed inclined to oppose them; and the barons immediately fitted out a fleet of ships and gallies, to prevent his landing; and they raised an army, to dispute his quitting the coast, if he reached the shore.

These preparations made him change his resolution, and he promised them to take the oath on landing, and he and his Queen arrived at Dover; but the barons would not suffer him to go to the Castle, they being then masters of it, until he assured them, that he would act as they required him. He was then permitted to go to Canterbury, where he was met by the King, the Queen, and the Duke of Gloucester, in the chapter house, and there they administered the following oath to him.

"Hear ye, all people, that I Richard, Earl of Cornwall, do here swear, upon the holy Evangelist, that I will be faithful and diligent to reform the kingdom of England with you, hitherto too long defered by the council of evil men; and I will be your effectual helper, to repel the rebels, and the disturbers of the same kingdom; and I will observe this oath inviolably, under the pain of losing all I have in England."

In the year 1262, the breach between the King and the barons was healed, by the mediation of the Queen. The King quitted the Tower of London, where he had taken refuge, and came to Dover Castle, which was delivered up to him, and he appointed Robert Wallerand the Constable of it. After he had obtained possession of several of the castles, he applied to pope Urban to absolve him of his oath, as there were several articles, which he considered as prejudicial to the prerogative of the crown. These steps destroyed all confidence in the contending parties, and treaties were only made to be set aside, as it suited their purpose:

The King excited the jealousy of the barons, by furnishing the castles he had obtained with arms and ammunition; and Simon Montfort, Earl of Leicester, made preparations for besieging Windsor Castle, and he probably seized on other fortified places; for Henry, Bishop of London, who was of the barons' party, was appointed Constable of Dover Castle.

After the defeat of the King's army at Lewes, he received Prince Edward, and Henry, the son of the King of the Romans, as his prisoners, to be kept in safe custody. An agreement being entered into for a change of prisoners, Henry Montfort, eldest son of the Earl of Leicester, was, by the King, appointed Constable of Dover Castle, and Warden of the Cinque Ports, and he had the chancellorship of Sandwich.

In a short time he was succeeded by Simon de Gréy; but as the contentions between the King and the barons ceased, the constablership

became more permanent ; and when Prince Edward was appointed, he held it by a substitute. When the King died, in the year 1272, the Prince was at the Holy Land ; and he was nearly two years before he returned to England. He landed at Dover, in his way to London.

Edward, soon after his accession to the throne, endeavoured to check the disorders which had been introduced by the narrow policy of foreigners ; and he wished by his conduct to convince his nobles, that he intended to observe the privileges granted them in the great charters.

In the third year of his reign, it was enacted, in the statute of Westminster, " That no constable or castellan, should exact any prise of any other, than such as be of the town, or castle ; and that it be paid, or else agreement to be made, within forty days, if it be not an ancient prise due to the King, or to the castle."

Edward the First, in the month of February, 1278, visited this castle, where he signed a letter, to be taken, by the pope's legate, to the mayor and the citizens of the Bayonne, requiring them to arm in support of the Christian faith, against the Moors in Spain. He signed another letter to Philip, King of France, relative to certain lands on the continent, which he claimed under a treaty made in the time of his father. As he did not receive a satisfactory answer, he sent a second letter, dated the twentieth day of February, and returned to London.

His correspondence with the King of France was preparatory to a visit ; and Brady says, he crossed the channel in the year 1279, about the festival of the Ascension ; and he was honourably received by the King, and the nobles of France, at Amiens.

Philip the Fourth, commonly called the Fair, sent ambassadors to Edward, to invite him to France, to treat with the Kings of Arragon and Spain for a peace. He sailed for the continent, with many of the bishops, earls, and barons, in his suit, in the year 1296. He was absent about three years ; and on his return, he landed at Dover, on the twentieth of August, 1299, and his Chancellor followed him with the great seal.

While the King was preparing for an expedition to Scotland, he received a message from the pope, that he intended sending his nuncio into Picardy, to conclude a treaty, to end all difficulties relative to a former award. This being communicated to the archbishops and bishops, earls and barons, they advised the King to remain in the south, while the treaty was pending; as many debates might arise, which might require quick and firm resolutions, and speedy answers.

The King came to this Castle, and he deputed several of the bishops and nobles to be present at the treaty.

Edward the Second, a few months after the death of his father, issued his precept to Robert de Kendal, Constable of Dover Castle, and sheriff of Kent, to inform him, that he intended to pass through the county, in his way to the continent; and he was ordered to publish this, as well within as without his liberties, that they might have all roads and bridges repaired, under such penalties as the King might think proper to inflict. He arrived at the Castle on the fifteenth day of January, where he appointed John de Brittany, Duke of Richmond, Regent. He also signed several letters of protection for masters of vessels, and others, who were to sail with him, which letters were to continue in force until Easter. On the eighteenth he signed precepts for his coronation, to be on Sunday, the twenty-fourth day of February; and he there invested with great authority one of the companions of his youthful follies.

Peter de Gaveston was concerned with the King, when Prince of Wales, in breaking into the Bishop of Chester's park, and killing his deer. The prelate would not overlook the affront, and Gaveston was obliged to leave the country. When the Prince came to the crown, he recalled him, and created him Earl of Cornwall. Before he left the Castle, he appointed him guardian of the kingdom during his absence. He had full power to fill up all vacancies in cathedral, and other churches, in the King's name; and he was to have the direction of all wards and marriages, before the King's return. And the follow-

ing day, he issued writs for the Parliament to meet him at Westminster, on the first Sunday in Lent. The new seal, which was to be used until the King's return, was given to William Inge, the chancellor; and early on Monday, the twenty-second day of January, he embarked, in the Cinque Ports fleet, for Bolougne, to be married to Isabella, daughter of the King of France.

The King, on his return, landed at Dover, and went to the Castle, and he was followed by the Queen, and her suit. The keeper of the great seal did not arrive until Wednesday, the eighth of February; but the chancellor delivered into the King's hand, in his chamber in the Castle, the seal which he had used during his absence. Before the King left Dover, he signed letters for the nobility and gentry, commanding them to attend at the coronation of him and his Queen, at Westminster, on Sunday after the festival of Holy Valentine. He also issued a proclamation, prohibiting all tournaments, and all persons appearing in arms, either before, or after the coronation. The Archbishop of Canterbury was also enjoined to be present in person; but if he was prevented by any unavoidable accident, he was to send one of his suffragans. When the King had finished this business, he quitted the Castle, and returned to London.

At a general council, held at Vienna, in the year 1312, it was agreed to transfer the property of the Knights Templars, to the Knights Hospitallers; and the King came to this Castle, and signed the papers which were sent to the pope, and the King of France, on the subject.

In the month of May, 1313, he was at the Castle again, with the Queen, and the Duke of Richmond, Adomarus, Earl of Pembroke, Hugh le Spencer, and many others; who were going to Paris, to be present at the coronation of Philip, the son of the French King, who was to be crowned King of Navarre, at Whitsuntide. While they were at the Castle, Edward signed letters, addressed to several great personages, recommending to their protection certain missionaries, who were travelling to the eastern parts of the world to convert the infidels.

As an inducement to the emperors and the kings, to promote the undertaking, he briefly recited the fall of man, and the necessity of a faith in Christ to obtain salvation ; and he requested a free passage for the missionaries, and permission for them to preach the gospel in their dominions.

He also signed letters, addressed to the pope, on the behalf of certain merchants trading to Florence, who were arrested in the Roman court, and by delay might sustain great damages.

On the eighteenth day of June, in the year 1320, the King held a council in the Castle ; and he issued a proclamation, to inhibit all counts, barons, knights, and other persons, from exercising any tournaments ; and all bailiffs were to make known his royal pleasure within their jurisdiction. He then embarked for Bolougne, and went from thence to Amiens, to do homage to the King of France, for the province of Poictou.

This business was soon settled ; for he issued his orders, on the twenty-second day of July, to the keeper of the great seal, not to use it again, as he was about to return to Dover. He also signed a very humble petition to the pope, requesting that he would accept the resignation of a bishop, worn out with age and infirmities, in favour of the rector of Maidstone, in Kent, which he recommended to his holiness for his approbation. The King employed a person, by the name of John Stratford, to negociate this business for him at Rome ; and he had the art to procure the resignation and the see for himself.

The King was desirous of punishing this treachery ; and he issued his precept to Edmund Earl of Kent, and Constable of Dover Castle, to apprehend Stratford, and seize his papers, and send them to him, if he should land in his jurisdiction.

A dispute happened between the Kings of England and France, in the year 1325, concerning homage, which was likely to be of serious consequence ; and it was thought proper to send the Queen over, to endeavour to settle the difference upon reasonable terms. She

embarked at Dover; and in her negociation, she was so successful, as to procure letters of safe conduct, from the King of France, for her husband, or son, or both, to visit him, if they wished it.

The King and his attendants left London, undetermined what steps they should take; and on the road to Dover he was taken very ill; and he went to Langdon Abbey, where he expected to find a more warm and comfortable reception for a sick person, than he might be able to procure in the Castle. He there signed a letter, addressed to the King of France, to acquaint him of his being taken ill on his journey; that he was on the coast; and that his sickness would delay his appearing to do homage for his lands.

The members who composed the council, both at Langdon and the Castle, were very much divided in their opinions, whether the King or the Prince should go to France. After several debates, the Earl of Winchelsea, and the King's Chamberlain, obtained a majority, for the King to assign over the lands to his son.

On the second day of September, the King, with the advice and consent of the bishops and nobles, then assembled, gave the province of Poictou to Prince Edward, and signed the deed at Langdon Abbey; and on the tenth, he signed the deed for the Dutchy of Aquitaine, at the Castle; and the Prince went, and did his homage, and returned to Dover, on the nineteenth day of the same month.

Edward was summoned by the Duke of Valois, to do homage, in the year 1329, soon after his coronation; and his nobility, assembled in parliament, judged it would be better to comply, than hazard a war. A precept was therefore sent to Bartholomew Burgherst, Constable of Dover Castle, and Warden of the Cinque Ports, to have a fleet fitted out, and to rendezvous at Dover on the seventh of May. Stephen Blount was sent to see that the fleet was sufficient to carry over the King and his suite; but after all their haste, the King did not arrive until the twenty-fifth; and before he left Dover, he appointed John de Eltham Regent. He required a considerable fleet, for he had one

thousand horsemen to accompany him. He embarked in a ship belonging to Winchelsea, and did homage at Amiens.

On the eleventh day of June, he returned to Dover, and went to the Castle; but if he did any public business there, it has escaped notice.

The lands held by the Kings of England of the Kings of France, as their feudal lords, had frequently been the cause of dispute; and it was thought, by the parliament assembled, in the year 1351, that the business ought to be finally settled by treaty; and commissioners were appointed to treat with the King of France on the subject. He was so much gratified with their proposal, that he assured them, if the King, their master, would wait on him, he would shew more favour to him, than to any other person.

This message met with the approbation of the parliament assembled; and they advised the King to visit France. He embarked with his Queen, at Dover, in the beginning of April, and returned again on the twenty-fifth day of the same month. All the public business he did at the Castle was to appoint the Regent.

The discovery of the intended treachery of Sir Armine de Pavie, in the year 1339, brought Edward the Third to Dover.

This knight was governor of Calais; and he had, by a secret treaty, agreed to deliver up the town for forty thousand crowns, provided he could do it, and secure his own safety.

While the King was at Havering, where he intended to keep his Christmas, he received a circumstantial account of his design, the plan, and every particular of it. He immediately set out for Dover, accompanied with three hundred men at arms, and six hundred archers, and he embarked in the Cinque Ports fleet, and arrived at Calais in the night, in so secret a manner, that only a few of his friends, who expected him, knew of his arrival. The King and his men were let into the Castle, and concealed in several parts of it.

The town was to have been delivered up to Lord Jeffery de Charney, on the first night of the new year, and he had five hundred spearmen ready, at a little distance, to march into it. An hundred of them were sent forward at midnight, to pay the governor the money, and to take possession of the Castle. The postern gate was opened ; and, as soon as they entered, the King and his party rushed from their concealment ; and the enemy, finding themselves overpowered, surrendered, after a feeble resistance.

Edward the Third did not visit Dover again until the year 1364, and then he came to the Castle. The business was, to treat with the Earl of Flanders for a marriage, between Edmund, Earl of Cambridge, and Margaret, the daughter and heiress of the said Earl. Three days were spent in festivity, and in settling the business. While the King was at the Castle, Lord Latimer came from Lord John Montfort, to learn his pleasure respecting the proposals for peace. As matters were in a train to be amicably settled, the King signed several passports, for persons waiting on the coast, to obtain a passage for England. This was the last time Edward the Third visited Dover.

Henry the Fifth, after he had ended his first campaign on the continent, in the year 1415, marched his army to Calais, into winter quarters ; and, on the first of November, he embarked at that port for Dover ; where he landed the same day, with the dead bodies of the Duke of York, and the Earl of Norfolk. It is uncertain whether the King went to the Castle, or to a religious house, as he did not transact any public business here.

In the following year the Emperor Sigismond, and the Archbishop of Reimes, ambassador from the French King, landed at Dover, and they were honourably received by the Earl of Warwick, Governor of the Castle, and several of the nobility. The King had sent thirty large ships, to bring him and his suit to England, and several of the nobles and great barons were waiting his arrival. When he drew near the shore, the Duke of Gloucester and his company, with their swords

drawn, went into the sea ; and, when they were within hearing, the Duke declared to the Emperor, that if he came as a mediator for peace, they would receive him ; and if on the contrary, they would oppose his landing. When he answered that he was a messenger of peace, he was received with all the honours due to his rank.

In the year 1421, the King assembled a fleet of five hundred sail of ships at Dover, to transport his army to the continent. He had sixteen thousand of his own troops, and nine thousand one hundred and twenty-seven raised by the barons. The fleet was commanded by the Duke of Bedford. There were two ships in his fleet adorned with embroidered purple silk colours, with the arms of England and France. In one of the ships there was a room, called the King's chamber ; and in the other, an apartment called the King's hall.

There was afterwards an interval of nearly seventy years, before the Castle was visited again by any of our Kings ; until Henry the Seventh, in the year 1491, came with an army to Dover, to embark for the continent, to join the Emperor Maximilian against the French. He soon found that he had engaged with an ally, who had neither men nor money ; and as the supplies were raised for the expedition, the King expected that there would be a murmuring of his subjects, if there was nothing attempted ; and he marched his army to Bolougne, with a design of besieging the town. While he was before that place, a treaty for peace was opened, and in the month of December he landed at Dover.

King Henry the Eighth was a more regular visitor to the town and the Castle. In the year 1513, he gave orders for the barons of the Cinque Ports to fit out their fleet, to convey him and his suit to Calais.

He arrived at the Castle, with his Queen, on the fifteenth day of June ; and after he had settled his business, he took leave of the Queen, and on the thirtieth sailed for Calais.

If we look no further back than the thirty-second year of the reign of Henry the Eighth, Dover Castle was considered, by the King and

parliament, as an honourable, strong, and defensible fortress. It appears by the statute which was passed in that year, that the King had expended several sums in repairing the walls and the towers, besides having in pay a considerable number of officers and soldiers, well provided with provisions, with arms and stores of all sorts, to keep watch and ward in the Castle, to defend it. For defraying the expences, the King said, that there were anciently left, by his noble progenitors, sundry rents, called Castle Ward, arising from certain lordships, manors, lands, and tenements, either holden of the Constable, the King, or of certain Honours, which were considered as members of the Castle of Dover. This revenue was much decreased by a variety of circumstances. Some of the lordships and manors had fallen into the hands of different Kings, and had been granted off again for other services; while the remainder might, by purchase or exchange, revert to the crown; or the rent, by being unpaid for a length of time, might be lost; and the revenue arising from castle ward become extinct for ever. To secure the rents which remained, and to ease and encourage the possessors of the lands, who were widely dispersed in different counties, it was enacted, that they should pay their rents into the King's exchequer, on the festival of Saint Simon and Saint Jude, or within fifteen days after that feast, on the penalty of paying double for every omission.

This was a considerable relief to the tenants, who lived at any distance from the Castle; for, by the nature of their ancient tenure, they were obliged to pay their rents at the paymaster's tower, in the fortress, under the heavy penalties, called in Dover Castle sursises. These fines were generally exacted very rigorously. On the day fixed for their payment, they had a banner flying on the tower for notice; and if any of the tenants failed in paying their rents, before the flag was taken down at the setting of the sun, their rents were doubled, at very short intervals, or every time the tide in the channel flowed to the eastward. Those who held lands for repairing any houses, or tower, in the Castle,

were to continue to repair the same, according to the condition of their tenure.

As the rents were to be paid into the King's exchequer, he granted the yearly sum of one hundred and sixty pounds, to be paid by his receiver general of the revenue of the county of Kent, at the door of the common hall, in the city of Canterbury, on the four usual days of payment in the year, by equal portions, to the Constable of Dover Castle, or his deputy, lawfully appointed. For any fault in not making the payment, or for taking more than eight-pence for an acquittal, the receiver general was to forfeit five pounds, which the constable might recover, with all arrears, by action of debt.

The King had built, at his own expence, near the sea, the Castles of Sandown, Deal, Walmer, and Sandgate; and blockhouses and bulwarks, at Dover; and he had placed the officers and soldiers in them, and gunners, who were to be daily on duty; and to prevent them from making exactions, under pretence of purveyance, they were placed under the direction and jurisdiction of the Constable of the Castle, or his Lieutenant, for the time being; and they were to have full power to examine, upon oath, into all omissions, defaults, and embezzlements of provisions and stores, as well as into all crimes and offences committed by the officers, gunners, and soldiers, and to redress and to reform abuses in common cases.

In matters of importance or urgency, they were to apply either to the King, or his council. If any of the parties refused to attend to the order of the constable, they were to be committed to Dover Castle, and there to remain during his pleasure; and, for a second offence, they were to be dismissed from their stations, and punished at the pleasure of the King, according to the nature of the crime.

Though Henry the Eighth gave the Constable of Dover Castle authority over the castles and forts, which he had built on the coast of Kent, he reserved the nomination of the officers to himself, and he granted them commissions in his own name, with power to appoint

their deputies, and the men who were to serve under them; and this practice was continued in the reign of Edward the Sixth.

Henry, in the twenty-eighth year of his reign, granted to Richard Toke, gentleman, by commission, for the term of his natural life, the post of captain of Sandown Castle; and he was to have the entire government and command there, and to appoint the men, who were to be paid as the King had directed; and the yearly stipends of the officers and men were as follow.

Sandown Castle.

	£.	s.	d.
Richard Toke, gentleman, captain.....	30	9	2
A deputy or lieutenant.....	9	13	4
A second lieutenant.....	8	6	6
One porter.....	9	13	4
A second porter.....	8	6	6
Ten gunners and three soldiers.....	108	4	6
	<u>174</u>	<u>13</u>	<u>4</u>

Deal Castle.

Thomas Boys, captain, had the same privileges as in the preceding commission....	36	10	0
A deputy or lieutenant.....	9	13	4
A porter.....	9	13	4
A second porter.....	8	6	6
Sixteen gunners and eight soldiers.....	208	2	6
	<u>272</u>	<u>5</u>	<u>8</u>

Walmer Castle.

Captain.....	30	9	2
A deputy or lieutenant.....	9	13	4
First porter.....	9	13	4
Second porter.....	8	6	6
Ten gunners and four soldiers.....	116	11	0
	<u>174</u>	<u>13</u>	<u>4</u>

Sandgate Castle.

	<i>£.</i>	<i>s.</i>	<i>d.</i>
A captain	30	9	2
A deputy or lieutenant.....	9	13	4
First porter.....	9	13	4
Second porter.....	8	6	6
Nine gunners and three soldiers.....	99	18	0
	<hr/>		
	158	0	4
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Dover Castle and Bulwarks.

Dover Castle, according to the statute of the thirty-second of Henry the Eighth.....	160	0	0
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The Black Bulwark, under the Cliff, in Dover.

A captain	20	13	0
One soldier and two gunners.....	24	19	6
	<hr/>		
	45	12	6
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The Black Bulwark, in the Cliff, at Dover.

A captain	18	5	0
One soldier	8	6	6
	<hr/>		
	26	11	6
	<hr/>		

The Bulwark, under the Pier, at Dover.

A captain	27	7	6
A porter	9	13	4
Two soldiers and six gunners	66	12	0
	<hr/>		
	103	12	10
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It is very probable, that soon after the restoration of Charles the Second, a considerable alteration was made in the establishment of the castles, and forts, on the coast of Kent, and particularly within the liberties of the Cinque Ports; for in the year 1682, the number of men were diminished, and the pay of those who remained was increased, as in the following list.

<i>In Dover Castle.</i>		Gross sums.	Money received.
		£. s. d.	£. s. d.
The warden's pay.....	500	0 0	448 9 11½
The deputy warden.....	182	10 0	280 7 11
Upper and lower porters, and eight gunners	121	13 4	
The deputy lieutenant.....	109	10 0	100 19 0
The chaplain.....	36	10 0	33 10 1½
The captain and lieutenant.....	50	8 4	46 8 6
<i>Deal Castle.</i>			
Upper and under porters, and eight gunners	106	9 0	98 1 11½
<i>Sandgate Castle.</i>			
A captain, lieutenant, six gunners, and two porters.....	150	12 6	148 3 11½
<i>Sandown Castle.</i>			
A captain, lieutenant, two porters, and six gunners.....	138	12 6	127 15 10¼
<i>Walmer Castle.</i>			
The same as Sandown.....	138	12 6	127 15 10¼
<i>Moats Bulwark.</i>			
A captain, lieutenant, four gunners, and porters.....	79	1 8	72 16 3
<i>Archcliff Fort.</i>			
A captain, lieutenant, and four gunners...	73	0 0	67 5 2

Allowance instead of Coals and Candles—At Dover Castle, £5; at Deal Castle, Sandgate Castle, Sandown Castle, and Walmer Castle, £2. each; and at Moats Bulwark and Archcliff Fort, £1 : 10. each.

The Warden of the Cinque Ports claims to have a right of warren, and to be lord paramount over the manors within a certain district, called the Warren, in which he appoints warreners to preserve the game. The bounds of the warren, as settled the thirtieth of August, 1676, were from the cross way at Charlton, leading from the river, along the Sandwich road, to Pinam, and from thence to Maidensole; then to Studolph, along the road called the Warren-way, directly to Bethshanger mill, leaving Bethshanger house on the left. From Bethshanger to Up-down, and from thence to Ham bridge, and Word mill; and from thence by the road to Bartholomew's hospital. A little beyond the hospital, on the right hand, the boundary line is at a bridge over a stream, into the high road between Deal and Sandwich, near the place where two or three mills formerly stood; and from thence across the marshes, to the sea. The river, from Charlton bridge to Dover, bounded the warren on the south.

These limits appear to have been first described by the Lieutenant Governor of the Castle, Walter Brames, Mr. Percival, Mr. Jacob, Mr. Denew, Lieut. Boys, Mr. Cooke, Mr. Stratford, and Mr. Croydon.

It may be difficult to say by what authority the aforesaid gentlemen appropriated the tract of land described by them for a warren, as I have never met with any record of a grant of it, by any of our Kings, to the Castle.

The principal men in each of the Cinque Ports, and their ancient towns, had been for some time ready to barter their privileges, and to purchase the favour of the Warden; but in the year 1598, they offered him a gift of one hundred pounds, upon his first entering into his office.

In the year 1607, they presented him with a piece of plate, of one hundred and fifty pounds value; and within two years, they had presented one hundred and ten pounds to his secretaries.

In 1612, they gave one hundred and ten pounds to the Warden, thirty pounds to his Lieutenant, and ten pounds to his secretary; for their kind favours, in freeing the ports, and their members, of loans for

privy seals to his Majesty. They voted, in the year 1615, an hundred pieces of gold, called bitts, to be presented, in a purse of the value of four pounds, amounting in the whole to one hundred and ten pounds.

In the year 1642, while the parliament forces were besieging Portsmouth, and the King was publishing his proclamations, forbidding his subjects to obey their orders, an enterprizing republican formed a plan to surprize the garrison, and take Dover Castle. His name was Drake, and he was a merchant belonging to the town. On the twenty first of August, about midnight, he, with a small party, consisting of ten of his townsmen, climbed up the rock fronting the sea, with each of them a charged musket, and with ropes they drew up scaling ladders after them, to get over the walls into the quadrangle; which they accomplished without being perceived, and surprized the guard, which consisted only of four men; who, finding themselves unexpectedly surrounded in the dark with an armed force, and concluding the force much greater than it really was, surrendered without resistance.

The assailants then went to the porters, and demanded the keys of the Castle gates, for the use of the King and the parliament; and they said, that by virtue of their warrant, they had authority to take possession of the Castle. When the porter refused to deliver up the keys, they threatened to shoot him, and break open the gates. This frightened him into a compliance with their demands. The remainder of the garrison, being waked suddenly, and unacquainted with what had happened, in their surprize knew not where to turn in the dark, nor how many they had to oppose; they therefore quietly surrendered to Drake and his party; and as they did not consist of more than twenty men, they were all soon turned out of the Castle, and the gates secured against them.

Drake sent a messenger to the Earl of Warwick, to inform him of their easy conquest, and he sent him fifty men, and the city of Canterbury forty more, to defend the Castle. Drake and his party were certainly acquainted with the weakness of the garrison, and with every

part of the Castle, or they would not have undertaken so hazardous an enterprise. The parliament party seem to have remained in the undisturbed possession of the Castle, until the year 1648.

The Kentish men, after petitioning and remonstrating in vain, agreed, that colonel Hammond, of Nonnington, should raise a regiment of foot, and colonel Hatton another of horse, and to rendezvous at Barham Downs. Colonel Hammond came the next day, with three hundred men, well armed, and colonel Hatton with sixty horse, and they were met by many gentlemen of the county. They marched to Dover, where they intended to quarter their men.

Sir Richard Hales, Sir Anthony Hammond, and Sir Anthony Archer, justices of the peace, were zealous and active; and they marched with Thomas Peake, and others, to Sandwich. There they found an impostor, who called himself the Prince of Wales; and they soon found an opportunity, from that place, to hold a correspondence with the fleet.

The two colonels first made themselves masters of all the forts and bulwarks in the neighbourhood; and with the ordnance and ammunition they found there, they intended to make a breach in the Castle walls, at Dover. They cast up works on the north side of it, and at no great distance from the spur, where they could level their artillery directly against the towers, at the turn of the curtain, and where, at that time, they could not bring many cannon in the Castle against them.

In this attack there was either a great deficiency in the skill of the engineers, or in the weight and calibre of their ordnance; for after firing five hundred balls, without doing any material injury, they were obliged, at the appearance of colonel Rich with a superior force, to raise the siege with precipitation, and to leave behind them all their artillery and stores.

As long as they continued in this neighbourhood, they paraded to Deal with white colours flying; and they had the Castles of Walmer,

Deal, and Sandown, delivered up to them. While the republicans kept possession of the Castle, they exacted supplies with rigour, as will appear by the following order, taken from the original, and signed by the Governor.

"These are to will and require you to provide and send into the Castle, for the service of the state, five quarters of oats, for which I shall give an account to the parliament, and endeavour your satisfaction; and to be brought in by the seventeenth of this month. Herein fail not.

"Dated at Dover Castle, the twelfth day of July, 1648.

"Al. Sydney."

This is not the only proof upon record of the arbitrary measures of the republicans; for after they had beheaded the King, and taken the power into their own hands, the parliament appointed commissioners, to survey and value the lands leased out by the crown, as it was intended to re-let them, at an advanced rent, to the occupiers, or to take them into their own hands, for the benefit of the commonwealth. These gentlemen made the following valuation of a farm, which had belonged to the master and the brethren of the Maison Dieu, at Dover, and which had been leased out at £12 : 10 : 5 by the year, and now belongs to the Lieutenant Governor of Dover Castle for the time being.

	£.	s.	d.
45 Acres, lying in Guston and Charlton.....	33	10	5
56 Acres, Great Arable Field, in ditto.....	42	0	0
80 Acres, Pasture, adjoining the Castle and the Cliff..	32	0	0
150 Acres, Warden Dane, on the north of the Castle ..	41	5	0
20 Acres, called Castle Land.....	7	0	0
<u>351</u>	<u>155</u>	<u>15</u>	<u>5</u>

When this valuation was made, the land was not worth £50. yearly.

Instances might be produced of greater exactions ; but these are sufficient to shew, that in great revolutions, as soon as men acquire power, their little finger becomes thicker than their predecessors' loins.

As the purveyors, during the commonwealth, had oppressed the people in the neighbourhood of castles, by their extortions, it was judged expedient, after the reformation, to quiet their minds, by adopting such measures as might put a final stop to the evil. It was enacted, that no pre-emption should be allowed, or claimed, on behalf of the King ; and if any person should take purveyance, or make impress, by pretending that they were acting under the great seal, it might be lawful for the justice dwelling near the place, or for the constable of the village where the offence was committed, at the request of the party, to apprehend the person or persons, and to have him or them committed, until the next general sessions, where they were to be proceeded against for their offence. The party aggrieved might recover treble costs, and treble damages.

This statute produced an effectual check to the extortions which the governors of castles had so frequently made on the defenceless inhabitants in the county ; and the farmer might sell his corn, and the merchant his commodities, without being subject to the demands of those petty tyrants.

CHAP. IV.

A List of the Constables of Dover Castle, and the Wardens of the Cinque Ports, with a short sketch of their connexions, and of the most particular incidents in their lives.

William the First.

1. *Odo*, Bishop of Baieux.—See his life in the former part of this volume, p. 82.

2. Baron *John de Fienes*, from the Bolounies of France. He was connected by affinity to Duke William, and strongly attached to his interest, and his fidelity was rewarded by his sovereign. He had the important offices of Constable of Dover Castle, and Warden of the Cinque Ports, given him for life; and they were entailed on the heirs male of his body. He died in Normandy, in the year 1084, respected by the King, beloved by the people, and lamented by both.

William the First, William Rufus, and Henry.

3. *James de Fienes* succeeded his father; and he held these high posts of honour and emolument, until the year 1111. He was beloved by his acquaintance, for his integrity; by the soldiers, for his courage in the field; and he was respected for his wisdom in council. He died at Folkstone, as much beloved as his father.

Henry the First.

4. Lord *John Fienes*, was as eminent as his ancestors for his public and private virtues. He was suspected of favouring the Empress

Maud ; for when Stephen landed at Dover, the inhabitants of the town shut their gates against him. This might lead Stephen to conclude that the Constable was hostile to his views ; and when he was fixed on the throne, he deprived him of his honourable stations, which were his right by inheritance.

Stephen.

5. *Wacheline de Magminot.* Though placed by Stephen in this important station, he very soon suspected his fidelity ; and he was afraid both to trust, or to dismiss him ; but he prevailed on him, by the promise of new favours, to resign his command.

6. *William Mareschall*, Earl of Pembroke, was probably the next Constable ; for upon his being taken prisoner at the castle of Wilton, the Empress Maud compelled him to deliver up the castle of Shelburne for his ransom, and for a compensation for the castle of Dover, which he held from the heirs of John de Fiennes. Mareschall was bred a courtier, and he contrived to gain the esteem of Prince Henry, who delivered him his cross to carry to Jerusalem.

While Richard the First was abroad, he joined with John, Earl of Moreton, against William de Longchamp, Bishop of Ely, and he was excommunicated by the pope. This terrified him to such a degree, that he fled to Sicily, to consult with the King, for his safety.

His steady attachment to his sovereign procured him titles of honour, and places of trust and emolument. After the return of the King to England, he obtained in marriage Isabella, daughter and heiress of the Earl of Strigul, with the Earldom ; and he carried the sceptre and the cross at the coronation. As a further proof of his being a favourite, he was appointed sheriff of several counties ; and he had grants of considerable estates both in England and Normandy. At the death of Richard, he attached himself to King John.

When the hostile barons met at Brachley, this Earl accompanied the Archbishop of Canterbury, to inquire into the cause of their dis-

content, and to ask their demands; and they brought with them a schedule of grievances to the King.

At the death of John, he hastened the summoning of the great barons; and when they were assembled, he placed Prince Henry in the midst of them, and said, "Behold your King;" and Henry was proclaimed.

Though Mareschall lived in turbulent times, he continued his loyalty unshaken until death. He had received liberally, and he was a generous benefactor to the church. He founded, and endowed with several privileges, the priory of Cartmele, in Lancashire; and he founded a house at Killhurst, of the order of Saint Augustine, which was subject to Cartmele. He erected a house, for a religious society, at Kilkenny; and he gave to the monks of Stanley Saint Saviours, in Ireland, and to the canons of Brednestone, in Wiltshire, the church of Esone; and both the Knights Templars and Hospitallers experienced his bounty. He died at Cavesham, near Reading, in the year 1229, in a very advanced age, and was buried in the New Temple.

7. *Eustace*, Earl of Bolougne, the only son of King Stephen. He died in 1152, and was buried near his mother in Feversham abbey, which was founded by his father.

8. *Richard*, Earl of Eu, derived his title from Eu, in Normandy. His father accompanied Duke William into England, and was one of his chief counsellors. He was rewarded with the honours of Hastings, in Sussex; and Turkuhill, in Yorkshire. His son succeeded to the title and estates of his father.

Henry the Second.

9. *Henry*, who in some lists is called *Hugh*, Earl of Essex, descended from Swene; who, at the time of making the Norman survey, possessed no less than fifty-five knights' fees in Essex. Rughley was his principal seat. He had also nine lordships in Suffolk; and forty-one burgesses in Ipswich, and in Huntingdonshire. His son Henry

was called the King's Constable. He was standard bearer by inheritance; and, by the favour of his sovereign, he was appointed sheriff of two counties. But neither his extensive possessions, his high rank, nor the favours conferred upon him, could make him either a great, or a brave man. In an expedition with the King into Wales, he quitted his post in the heat of action, threw down the colours, and retired with precipitation beyond the reach of danger. For this disgraceful conduct, he was charged with high treason by Robert de Montfort, and vanquished in trial by battle. His life was forfeited; but the King pardoned him, on condition of his becoming an ecclesiastic. His estates were forfeited, and he entered into the society of monks, at Reading.

10. *Alan Fienes* retained the virtues of his ancestors, and he was universally respected. He was a favourite with the King, and he lost his life in Normandy, fighting for his royal master.

11. *James*, son of *Allan Fienes*, succeeded to the hereditary government of Dover Castle; and he was involved in the dispute between William Longchamp, Bishop of Ely, and John, Duke of Cornwall. As he was of a peaceable disposition, he was persuaded, by promises and gifts, to resign his office.

12. *Ingelram Fienes*, like most of the great men of his time, was a soldier by profession, and he lost his life at the siege of Acon, in the year 1190.

Richard the First.

13. *Richard*, who in some lists is named *Matthew Clare*, was Warden of the Cinque Ports, when James Fienes was Constable of the Castle, and they were jointly concerned with the Bishop of Ely, and the pope's legate.

Jeffery, the natural son of Henry the Second, while he was on the continent, was appointed, with the approbation of pope Cœlestine, to fill the archiepiscopal chair at York, and he hastened to England to

take possession. The Constable of Dover Castle, and the Warden of the Cinque Ports, received orders from the chancellor to apprehend him on landing. The archbishop elect had some intimation of their design; for, on his arrival, he fled to the church of Saint Martin, in the town, for sanctuary. As their orders were positive, they were obliged to violate the privilege of the church, and they dragged him by force from the altar, and carried him and his retinue prisoners to the Castle. This step was taken to gratify the avarice of the legate, who had seized upon the see, and intended to have secured it to himself for a time. John, Earl of Cornwall, hearing of this outrage, prevailed on several of the bishops, and great barons, who had smarted under the power of the legate, to join him, and they raised a body of men, to release the archbishop from his confinement. This inconsiderate step of James Fienes proved a very serious one, for he found it necessary to resign the constablership of the Castle.

14. *William Devereux*, was the grandson of Walter de Everus, who accompanied Duke William into England. He is placed in the list of constables in the reign of King John; but he died in the year 1196. He was a favourite with King Richard, and carried the golden sceptre and dove at his coronation, and he was with him when he was taken prisoner. He was summoned by the King with the great barons, who were assembled at Northampton.

15. *William Longchamp* was a great favourite of the King; and he was Chancellor, Bishop of Ely, Lord Chief Justice of the south part of England, and Protector of the whole realm during Richard's absence. The King obtained for him, at the expence of one thousand pounds, the appointment of legate. While he was in an humble station, he was considered worthy of the favours of his royal master; but, he no sooner assumed the reins to govern others, than he convinced the world he could not govern himself. At the suggestion of the Bishop of Chester, he dismissed a society of monks at Coventry, and gave their house to secular priests; and he discharged many persons from

their offices, who had been appointed by the King, to make room for his own favourites. To prevent such violent proceedings from raising public clamours, it has been said, that he had several poets in pay, to write popular songs in his praise; and minstrels were inticed, at a considerable expence, from the continent, to sing them in the cities and towns.

His vanity increased with his authority, and he generally travelled with fifteen hundred horsemen in his suit, which he quartered upon the religious houses; and such was their rapacity, that their historian says, they hardly left an ordinary man a silver belt, or a woman a broach or a bracelet, or a gentleman a ring to wear on his finger. But while he was on the pinnacle of power and affluence, he was conscious of guilt, and fearful of consequences; and he made considerable additions to the works at the Tower of London, for a place of security.

As the abuses of this favourite reached the ears of the King, he judged it expedient to stop them; and as soon as Longchamp was dismissed from his posts of authority, his enemies combined against him. A convocation was called; and, for the violence offered to the Archbishop of York, he was excommunicated. Upon this reverse of fortune, he found the tide of power turned against him; and, as he could not expect much favour from those he had injured, he determined to quit the kingdom privately. In the habit of a woman, with a measure in his hand, and piece of cloth on his arm, he came to Dover. While he was waiting on the shore for a passage, and pretending to be a foreigner, who could not speak English, a mariner offered some familiarities, which led him to suspect that he was a man. Women were appointed to examine him; and, upon taking off his handkerchief and muffler, they found his crown had been shaved, and they knew him. He was insulted, and cruelly treated, until the magistrates came, and took him under their protection; and they confined him in a cellar, until they could receive advice how to dispose of him.

Several of the nobility were for humbling him more ; but the bishops wished to favour him as a clerk. He was set at liberty, and he embarked for Normandy, the place of his birth, to wait the return of his royal master. After an interview with the King, he found means to regain his favour, for he was named ambassador to the pope ; but in his way to Italy, he was taken ill, and died.

John.

16. *William de Mandeville* was a soldier, and a general, and he accompanied Henry the Second, at his meeting with Louis, King of France. The early part of his life he spent with Philip, Earl of Flanders, who knighted him ; and he came to visit the shrine of Saint Thomas, at Canterbury, before he departed with Philip on a pilgrimage to Jerusalem.

When he came to take possession of his estates, and to pray at his deceased brother's tomb, at Walden, he was not much inclined to favour the monks ; for by threats he made them resign his horse, his brother's armour, and whatever they had taken at his funeral.

He afterwards altered his opinion, and acted with more liberality to the religious. He gave to the Knights Hospitallers a lordship at Chippenham, and five bucks yearly out of his park at Enfield. The monks of Westminster and Reading, and the nuns of Clerkenwell, partook of his bounty. To the monks at Walden he gave in his will, one moiety of his lordship there, with his mill, a small park, and the service of several of his tenants ; with all the vestments, books, chalices, vessels, and ornaments, belonging to his chapel ; his great horse, three marks of gold, a gold cup, and one hundred pounds of silver. Finding that he was drawing near his end, he called together his kindred and servants, and charged them to bury him at Walden. Richard de Vere, his relative, assured him that it was impracticable, because of the difficulty of the passage. He replied, if you cannot do what a dying man desires, because you have no inclination, then let my heart

be carried thither. He died at Roan, in the year 1190. His body was conveyed to the abbey of Mortimer, in Normandy, for interment; and his heart to Walden, and was buried in the chapel there.

17. *William Briwere's* ancestors held lands in the time of William the Conqueror, and his father was forester of the forest of La Bere, with the power of apprehending all persons who trespassed there.

This Richard was a favourite with Richard the First; and he gave him a grant of confirmation of lands which he held, and added the manor of Sumburne, in Southampton, with the privilege of holding a market at a place called the Straights, and to receive ten pounds yearly out of the rents of La Bere.

While the King was in the Holy Land, he named Briwere, and others, to take the government of the kingdom from the Bishop of Ely; and for this act of obedience he was excommunicated by the pope. When the King was taken prisoner, Briwere was one of the principal persons who stepped forward to treat for his ransom; and for this service, Richard appointed him an itinerant justice, and gave him a grant of nearly two hundred acres of land, adjoining to his manor of Sumburne, which he held as two knights' fees; and he was appointed sheriff of several counties.

John, in the first year of his reign, granted him, with other privileges, licence to hunt the hare, the fox, the cat, and the wolf, through the whole county of Devonshire, and the goat in the forest. For the sum of eight hundred pounds, he obtained the wardship and marriage of the heir of Robert de Dover, and the custody of the dower of Rose, his widow. In the reign of Henry the Third, he was considered, by the great barons in opposition, as one of the King's evil counsellors. In the conference which was held, in the eighth year of that reign, the Archbishop of Canterbury reminded the King, that he had sworn to preserve their liberties. Briwere answered, that the liberties which had been granted were obtained by force, and they ought not to be confirmed. The Archbishop replied, "William, if thou didst love the

King, thou wouldst not be an impediment to the peace of the kingdom." The King said, "We have sworn that they shall be observed, and we will obey our oath."

As this favourite had obtained great riches, he judged it expedient to part with some of them, according to the custom of that time, for the good of his soul, and the souls of his benefactors. He built the abbey of Saint Saviour's, in Devonshire, for premonstratation monks; and he laid the foundation for an abbey of cistercians. At Burgh Walter he built an hospital for twelve poor people. He died in the eleventh year of the reign of Henry the Third, and was buried before the high altar, in the abbey church at Dunkeswell.

18. *Hubert de Burgh* was twice Constable of Dover Castle, in the reigns of King John, and of Henry the Third. See a sketch of his life, p. 148 of this volume. Pat. 3 John, m. 4, and 17 John, m. 21.

19. *Thomas Basset* had Hendendon, the seat of his ancestors; and he was appointed governor of Oxford Castle, and sheriff of the county, which he held for several years. He was a favourite in the reign of King John, and accompanied him in his expedition to Poitou, and he continued faithful to him in all his troubles.

He was a soldier, and in the reign of Henry the Third, he commanded at the battle of Lincoln.

20. *William de Huntingfield*. When he was appointed to his office of Constable, he was obliged to swear, in the presence of the King, that he would faithfully discharge his duty; and never deliver up the Castle to any person, excepting himself, or to Hubert de Burgh. In the tenth year of his reign, the King appointed him an itinerant justice; and he appeared in the list of sheriffs for the counties of Norfolk and Suffolk, and governor of Lavney Castle, in Leicestershire.

These favours were found insufficient to keep him steady to any fixed principles; for when the King was pressed with difficulties, he was one of the foremost among the discontented barons; and he was appointed, with others, to direct the affairs of the kingdom.

For this act of ingratitude and disloyalty he was excommunicated by the pope; and his lands in Leicestershire were seized, and given to Nicholas de Haya, to hold during the King's pleasure. The loss of his lands caused marks of contrition; and in less than a year he was received again into favour, and he had his manor of Clayford restored to him. Pat. 5 John.

21. *William Longspee*, Earl of Salisbury, was the natural son of Henry the Second, by fair Rosamond; and he obtained the name of Longspee by the length of his sword.

Being bred to arms, and strongly attached to the King while he had any thing to give him, he was considered, by the discontented barons, as one of his evil counsellors. According to the custom of the times, he was sheriff of several counties, and warden of the marches, and admiral of the fleet sent against the French, which he surprized in the port of Dam, and brought their ships to England.

After this expedition he was sent to the continent; but in the field he seemed to possess more courage than prudence; and he was taken prisoner, in conducting a party to surprize the French King at mass, on the festival of Saint Margaret.

His loyalty fluctuated in the political barometer, according to the good or bad fortune of the King; and when his affairs appeared desperate, he joined the Dauphine. He was generally in active service; and, after his return from the Holy Land, he was sent to the continent, to subdue such towns as refused homage to the King. In his passage, it was reported, that the ship in which he sailed had sunk in a storm; and his supposed widow, being at the disposal of the King, Hubert de Burgh made a very early application in favour of a relation, and obtained the King's consent. The lady received the addresses of the suitor with the highest marks of disapprobation; and assured him, that she had received news of her lord's safety. The Earl, on his return, complained loudly to the King; and he declared, that he would do himself justice, if he disturbed the public peace in doing it.

This quarrel was hushed up for a large sum of money, and an acknowledgment of the impropriety of the proceeding; but the Earl returned ill from Hubert de Burgh's table, shortly afterwards, and died at his castle at Salisbury, in 1226, supposed to have been poisoned.

He was a liberal benefactor to the Carthusian monks; for he gave them all the profits arising from the wardship of Richard Carnvil, a great baron, to build a monastery. He also bequeathed them a gold cup, set with emeralds and rubies, a pix of gold, two goblets of silver, and many other valuable articles. Pat. 9 Sept. 6 John.

22. *Jeffery Fitzpier* assumed the name of Mandeville, because his wife descended from that family. The King created him Earl of Essex, and he was Chief Justice of England. Like many of the leading men of his time, he made several encroachments on the ecclesiastical law, and died about the year 1214. Pat. 25 May, 8 John.

23. *William Fienes*, second son of Ingelram, resigned the office of Constable of Dover Castle to King John, for a grant of certain lands in Wendover, a part of which he settled on the canons at Missenden.

The family of Fienes appears to have excelled much more in private virtues, than in the intrigues of a court, and therefore they have been but little noticed by the historians. This William died about the twenty-fifth year of Henry the Third; for his son Ingelram then had livery of his lands; and his relief, and the debts of his father, were remitted him, for his special services.

24. *William de Wrotham*, an ecclesiastic, of the rank of an archdeacon, was considered as one of the most iniquitous of the King's evil counsellors; and he was one of his advisers for resigning his kingdom to the pope.

Henry the Third.

25. *Henry de Braibroc*, derived his surname from the seat of his ancestors, in Northamptonshire, for which he was sheriff, and also for Bedfordshire and Buckinghamshire. He was one of those who

joined the discontented barons, and for which he was excommunicated by the pope. This foolish step gave his party confidence in his fidelity; and they committed to his care the castle of Mountsorrel, in Leicestershire, which he defended against all the force their opposers could bring against it. When peace was restored between the contending parties, he was received into favour, and appointed governor of Dover Castle, and an itinerant justice. He died about the year 1233. Pat. 4 Henry 3.

26. *Robert Neresford* was twice Constable of Dover Castle in this reign. In the year 1220, he received a precept, to summon the Barons of the Cinque Ports to appear before his court at Shepway, to answer for their violating a truce with the inhabitants of Calais, and to make satisfaction to the parties aggrieved. In the eighth year of this reign, he received an order, for the Barons of the Cinque Ports to double their usual number of ships for the King's service; and they were enjoined, not to let any merchant ship sail out of their harbour, without special licence. Pat. 5 and 31 Henry 3.

27. *Gulfridus de Surland*. Pat. 9 Henry 3, Aug. 26.

28. *Hugh Wynsore*, descended from Walter Fitzother, who was warden of the forest of Berkshire, and governor of the castle of Windsor. He derived his surname from the last mentioned place, and was a person of considerable property; which being divided among several children, the family, in a few years, lost all its consequence. Pat. 9 Henry 3, April 13.

29. *William de Albrincis*, was the grandson of the William, who came into England with the Duke of Normandy. He was lord of Folkstone; and towards the latter end of the reign of King John, he obtained a grant for a weekly market, and a yearly fair there.

While he was Constable of Dover Castle, he received a summons for the Barons of the Cinque Ports, to meet the King at Portsmouth, with double the number of ships they had usually fitted out for the public service. He died in 1230. Pat. 10 Henry 3, March 14.

30. *John Mansel* was a great favourite with the King, and a member of the privy council. When the King and Queen fled to the Tower for safety, he accompanied them. Like many of his master's advisers, he had learned the secret of providing for himself; and though he was under a vow to visit Jerusalem, he judged it more prudent to solicit favours, and accumulate wealth, at home. He filled several high and lucrative stations. Being an ecclesiastic by profession, he was chaplain to the King, and, Madox says, chancellor of the exchequer. He was Lord Chief Justice of England, and he went as an ambassador to Spain. In the field Mansel was not deficient in courage; for he took Peter de Oridge, a person of considerable rank, prisoner, in a battle on the continent. His vanity, if possible, exceeded his insatiable thirst for preferment; and there is a striking instance recorded, to shew to what lengths it will carry a person.

When Alexander, King of the Scots, and his Queen, came into England, in the year 1256, to visit the royal family, Mansel invited both the great personages, with their families and their suits, to dine with him, at his house in Tole-hill fields. As he had not sufficient rooms to contain the company, tents were fitted up, and he feasted them in a very splendid manner. Seven hundred dishes graced his table at dinner, and he exceeded every thing which had been done by any former chaplain. If we may judge by his ecclesiastical preferments, he had a view to his interest; for he was rector of All Saints, in Maidstone, with the chapels of Loose and Debtling annexed. He had two prebendal stalls in Saint Paul's church, one at Wells, and one at Chichester. In 1247, he had the deanry of the cathedral of Winbourne, in Dorsetshire; in 1248, the provostship of Beverly; in 1256, the treasurership of the church of York; in 1258, the living of Saisbriggworth; and, in 1262, the living of Hacton. He had also Wigden, in Lincolnshire. Bilsington priory, in Kent, was of his founding, and he settled his lands at that place upon it.

But neither the wealth, nor the influence which Mansel possessed, could screen him from the anger of the discontented barons ; for they seized on his estates, and he was obliged to go to the continent, to get beyond the reach of their resentment.

The concluding scene of Mansel's life holds up a lesson to royal favourites ; for while he was wandering abroad, in great poverty, and probably dying for want of sustenance ; there were those at home, who, regardless of his sufferings, could spend eighteen hundred marks yearly, without reflecting on the distresses of him who procured them

31. *Peter de Rivalis* was a Pictavian, and an ecclesiastic, who was sent, with others, by the Bishop of Winchester, Peter de Rupibus, from the continent, and he was knighted upon his arrival in England. He was an accomplice with Stephen de Segrave ; and it was by the narrow policy of foreigners, that the peace of the realm was so often disturbed. When the flames of civil dissention broke out, Peter de Rivalis was first upon the list of those, whom the bishops threatened to excommunicate. After a conference held with the King at Westminster, in 1224, the Bishop of Chester put the threat in execution ; but it did not deter either him or his party from pursuing their destructive schemes, and they endeavoured to raise a sedition in Ireland. This step produced a further remonstrance from the barons, and another meeting with the King ; and the accused favourites were ordered to answer to the charges laid against them.

Peter de Rivalis was the first. He came with confidence, and expected that the King would seal his defence with his approbation ; but he called him a traitor ; and commanded him to give an account of the wardships, manors, escheats, and all other emoluments which he had received belonging to the crown, or he would commit him to the Tower. He replied, that as a priest, he was not under the custody of a layman. As the archbishop would not take charge of him, he was committed to prison. The King seized all his lay possessions, because he had, under his clerk's habit, a coat of mail, and a knight's falchion at his girdle,

which, he said, did not belong to a clerk. He remained only two days in the Tower, before he was sent to Winchester, and confined in that cathedral.

32. *Simon*, as mentioned in some lists of the Constables of Dover Castle, ought, I imagine, to have been *Harry Hoese*; for in the second year of the reign of Henry the Third, he gave eighty marks for the livery of his father's lands; and in the year following, a fine of fifty more, and two palfreys, for the relief of lands in Titchelden and Stapleford, in Wiltshire, which came to him by inheritance. He died in the nineteenth year of this reign. Pat. 15 Henry 3.

33. *Stephen de Segrave* was knighted in the early part of life, and he took his surname from his lordship in Leicestershire. During the turbulent reign of John, Segrave continued firmly attached to his interest; and for his steadiness, he was appointed Constable of the Tower of London, and he had grants of many considerable estates in several counties in England. From the fourth to the sixteenth year of Henry the Third, he was highly favoured by the King, and he was loaded with posts of honour, and places of emolument. He was governor of the castle of Stanley; and his name appeared in the list of sheriffs for Essex, Nottingham, Lincoln, Derby, Bucks, Bedford, Warwick, and Leicestershire; and he had the whole profits of them, excepting the sums which had been usually paid into the exchequer. He was also itinerant justice for Nottingham and Derby, and governor of the castle of Hereford, and Lord Chief Justice of the Common Pleas.

All these honours and riches were very far from satisfying him; for, on the fall of Hubert de Burgh, he procured the office of Lord Chief Justice of England, and governor of the castles of Dover, Canterbury, Rochester, Windsor, Odyham, Hertford, Colchester, and the Tower of London. Such was the influence of this man in the cabinet, that he had the sway in all matters that came before them.

The Bishop of Winchester, observing the flexibility of his character, concluded that he might be instrumental to his views, in pro-

moting the interest of the pope in England. He promised his services ; and he obtained a dispensation from his holiness for his son, who was educated for the church, to hold as many livings as he could procure for him. For this singular favour, he supported the pope's agents in collecting the tenths from the clergy, without the consent either of the bishops, or the barons. This stretch of power excited the anger of the clergy, and the laity, and he was threatened with ecclesiastical censure, and all the errors of government were imputed to him. His rapacity at last raised so many of the nobility, gentry, and clergy against him, that it caused an insurrection ; and, in the height of their resentment, they set fire to his palace in Leicestershire, which was a sumptuous building, and they destroyed all his furniture, and a large stud of horses. They also plundered and burnt his house in Huntingdonshire ; and he had the mortification of seeing the flames of it ascending, in journeying with the King towards the west.

These outrages alarmed his Majesty ; and Segrave, with some others, were ordered to render an account of their conduct. Many of them, being conscious of their guilt, fled to the church for sanctuary ; and Segrave took shelter in the abbey of Leicester ; and, for fear of what would follow, he declared himself a priest, and resolved to become a canon of that house. But he found, upon trial, that he was too much a man of the world to retire from it ; and, under the protection of the archbishop, he ventured to appear again before the King. He was accused by his sovereign of having advised him to disgrace Hubert de Burgh, and to hang him, and that he should now render an account of his conduct.

He required time to make his defence ; and, during the interval granted him, he contrived, for one thousand marks, to make his peace with the King ; and he was appointed justice for Chester, and the King's chief counsellor. Growing in years, he had learned, by time and experience, a little more moderation, but he was still apprehensive of danger ; and as he could no longer enjoy the world in quiet, he at

last fixed his resolution to retire from it; and he entered a regular canon in the abbey at Leicester. He gave to that house a wood, called New Hay, in the county of Warwick; to the monks at Stanley, the manor of Bericote; and to the monks at Combe, a mill. He died in 1241. Pat. 16 Henry 3.

34. *Bertram de Criol* was usually called the great baron of Kent. He was rather inclined to oppose the measures of the King's counselors, and he was commanded to quit the kingdom; but, by the application of his friends, he obtained leave to return again, upon condition that he did not appear at court. This injunction was soon removed, and he became a favourite with his royal master, who appointed him sheriff of Kent, which office he held several years. He was also sheriff of Essex and Hertfordshire; and he had a grant to hold a market at his manor of Seeres.

He was five times Constable of Dover Castle; and when he entered on his office the third time, he received orders, for the Barons of the Cinque Ports to be ready, with their whole force, to sail to the coast of Brittany and Normandy, against the King's enemies.

By his marriage with the daughter of Hamo de Crevequer, he obtained a long rent-roll in Kent; and he built the ancient mansion of Ostenhanger, which was moated round, and fortified with walls and towers. He held the manor of Setone, or Sectone, on condition that he provided a man called Veltarius, to lead three grey-hounds, as long as a pair of shoes, valued four-pence, would carry him, when the King went into Gascony. He was buried in the church belonging to the abbey of Saint Radigund, near Dover; and his grave has long since been covered with briars and thorns. Pat. 16, 22, 25, 35, and 39, Henry 3.

35. *Hubert de Husato*. Pat. 18 Henry 3.

36. *Hamo de Crevequer* had his lands seized, for taking part with the discontented barons, in the reign of King John; but he received letters of safe conduct from William Marshal, the Regent, to treat

upon terms of reconciliation, upon the accession of Henry the Third to the throne. The recovery of his lands revived his loyalty ; and he was joined with Walerand Tentonis, or Teys, and was Warden of the Cinque Ports, and he had the custody of the coast from Hastings to Pool. Pat. 19 Henry 3.

38. *Peter de Savoy*, Earl of Richmond, was uncle to Queen Eleanor, and he was one of those foreign adventurers who was so highly favoured by King Henry. He was sheriff of Kent, Warden of the Cinque Ports, and governor of several castles.

This sudden advancement excited the jealousy of the barons ; and the Earl, fearing that resentment would lead to personal insults and injury, waited on the King, in the year 1242, to ask permission to resign all his places of honour and profit, and to return to his own country. His requests were granted ; but he was stopped, by the command of the King, before he embarked, and he insisted upon his taking the constablenesship of Dover Castle. He was continued one of the council ; and appointed, with others, to treat with the great barons, but they sternly opposed a meeting with him. He built the house called the Savoy, in London. Pat. 26 and 42 Henry 3.

39. *Humphrey de Bohun*, Earl of Essex and Hereford, held the honour of Essex by descent from his mother, who was the daughter of Geoffrey Fitzpier. He stood high in the opinion of the people, and he was known by the name of the good Earl of Hereford. His rent roll included upwards of thirty-eight lordships. He was so much in favour with the King's counsellors, that he had the office of Earl Marshal, at the marriage of King Henry ; and he was so far in favour, as to be godfather to Prince Edward, and to be entrusted with the marches in Wales. But he seemed to know, and to feel, his consequence ; for when the barons met at Stamford, he complained, in a high and threatening tone, to the King, of his having unjustly deprived the Earl of Cornwall of his manor of Berkhamstead, and for cancelling the

Vol. ii. D d

charter of liberties ; which, he assured him, should be re-signed and sealed, or they would compel him to do it.

In the year 1246, he was at the head of a party of barons, who joined in sending a letter to Rome ; and in which they complained, in strong terms, to the pope, of the insupportable oppression which they had long laboured under, by the arbitrary exactions of his agents ; and they threatened his holiness, that they would do themselves justice, by breaking his yoke, if he did not speedily redress their grievances.

Though he was an active man in the busy scenes of life, this did not preserve him from the influence of the superstition of his time ; for he took the cross, and went to Jerusalem. After his return from this journey, he was present at Westminster Hall, when the formal curse was denounced against the violators of Magna Charta, with bell, book, and candle. In the same year, he founded the church of the Augustine Friars, in Broad-street, London. He was at the head of the combination against the King, in the forty-third year of his reign, which proved fatal to many of them. As the times were turbulent and critical, they judged it prudent not to proceed to extremities with Bohun, and with him, pardon and rebellion seemed to be matters of course. At the battle of Evesham he was taken prisoner, fighting against the King ; and his lands were then seized, but not confiscated, and he had leave to dispose of them to his son. He died in the year 1275. Pat. 26 Henry 3.

40. *Sir Ingelram de Fienes*, received the honour of knighthood ; and he was so high in favour, that he had an allowance for his robes, and other accoutrements, at the King's expence.

In the thirtieth year of this reign, he received an order, to provide eighty men at arms. His son William was educated with Prince Edward ; and he had the custody of the lands of William de Beauchamp, to hold during the minority of the heirs. He died in 1296. Pat. 32 Henry 3.

41. *Reginald de Cobham*, second son of Henry de Cobham, was settled at Cobham, in Kent, as early as the twelfth year of the reign of John. He was sheriff of Kent, and an itinerant justice for the counties of Essex, Middlesex, and Wiltshire. While he was Constable of Dover Castle, he had an order to receive and entertain, at the Castle, the ambassadors of the King of Castile, and their suits, on their arrival at Dover; and to conduct them to the New Temple, in London, which was to be their residence while in England. He continued sheriff of Kent, until the forty-second year of this reign, in which he died. Pat. 39 Henry 3, m. 5.

42. *Roger Northwood* was one of the executors named in Reginald de Cobham's will, and he probably held the Castle, until another Constable was appointed; or he might be Warden, for there were two persons in power at the same time this year. Pat. 42 Henry 3, June 9.

43. *Nicholas de Moels* was reckoned a brave soldier; and he was so much esteemed by the King, that he ordered his son to be educated with Prince Edward. His first posts of honour were sheriff of Hampshire, and governor of Winchester Castle. He was next appointed governor of the islands of Gurnsey, Jersey, Sarke, and Aurency, and sheriff of Yorkshire. For his services in the wars on the continent, he was appointed Constable of Dover Castle, and Warden of the Cinque Ports; then sheriff of Kent, and governor of the castles of Canterbury and Rochester. Pat. 42 Henry 3, June 10.

44. *Richard de Grey*, of Codnover, in Derbyshire, was one of those who joined Simon de Montfort, and he was taken prisoner; but under the decree, called *Dictum de Kenelworth*, he was permitted to pay a fine for the recovery of his lands. This settled his loyalty, and he was soon loaded with posts of honour and profit. He had not only a grant of forfeited lands in Lincolnshire, but the governorship of the islands of Gurnsey, Jersey, Sarke, and Aurency, and he was sheriff of several counties.

In the twenty-sixth year of this reign, he attended the King into France; and he, and his brother John, offered to accompany him in his proposed pilgrimage to the Holy Land. This gave him so much satisfaction, that he embraced them, and called them his brethren.

While he was Constable of Dover Castle, he discovered a considerable treasure, which the Pictavians intended to have conveyed out of the kingdom. Pat. 42 Henry 3, July 20.

45. *John de Grey*, of Wiltou, was the second son of Henry de Grey, of Codnover, and he obtained grants of forfeited lands in Cheshire, and Wales. Disliking the bustle and intrigues of a court, or perhaps dissatisfied with measures he did not approve, he retired to the Castle at Dover; but he had several other valuable posts annexed to it.

While he resided in Dover Castle, Athelmere, the King's brother by the mother, was appointed Bishop of Winchester, which highly offended one of the courtiers. This induced Athelmere to go immediately to Rome, to procure the sanction of the pope. The papers of Institution were sent to England by one Walesco, a grey friar, who landed at Dover. This incensed the anger of the great barons; and they sent Hugh, or, as some say, Roger Bigod, to know why the Constable suffered him to land. Bigod addressed him, saying, "Have you been entrusted by the people of England, as a faithful Warden of the Cinque Ports, and have you suffered this person to land without your knowledge, to the manifest violation of your oath? We think that you are not only unworthy of this place, but that you ought to be further questioned for so great a transgression." He was obliged to quit his office, and died about the fifty-first year of Henry the Third, and was buried at Wobury. Pat. 42 Henry 3, m. 6.

46. *Hugh*, or *Roger Bigod*, succeeded John de Grey. See Norfolk Tower. Pat. 43 and 44 Henry 3.

47. *William de Say* had the governorship of the castles of Dover, Canterbury, and Rochester. He was at the battle of Lewes, in the

King's army, and one of those who quitted the field. He died in 1272. Pat. 44 Henry 3.

48. *Robert Waleran* stood high in the King's favour, and he granted him a yearly fair at Whaddon, in Wiltshire; and, at the death of William Marshal, Earl of Pembroke, he had the custody of nine castles committed to his care. This singular mark of partiality raised the suspicion of the discontented barons, and he was numbered with those who were called the King's evil counsellors. In the forty-seventh year of this reign, he was tried, for acting against the ordinances of Oxford; but he was acquitted, and had the restitution of his lands. He was with Prince Edward, at the battle of Evesham; and, after the victory, he had a grant of the stock and cattle of Peter de Montfort, in the district of Bleuleberry, in part of recompence for his loss at the battle at Lewes. Pat. 45, m. 13 and 16; and claus 47, m. 5, Henry 3.

49. *Nicholas de Criol*, in the year 1254, obtained a licence to freight a ship, at the port of Sandwich, for Gascony. He was trained to arms; for he attended the King on horseback to Chester, in complete armour, to oppose the Welch. He was sheriff of Kent, Warden of the Cinque Ports, and governor of Rochester Castle. Pat. 47 Henry 3, m. 10.

50. *Henry de Wingham*, Bishop of London, appears, by the stations which he filled, to have been a person of some eminence in his time. He was chancellor of England, dean of Totterhall and Saint Martin's, and twice ambassador to France. In 1258, he was named for the see of Winchester; but he refused to accept of it, on account of the great dissensions which prevailed there. He died in 1261, and was buried in his own cathedral, on the south-west side, near Bishop Fauconbridge. Pat. 47 Henry 3, July 10.

51. *Roger de Leiburne* was one of the discontented barons, in the reign of King John, who was taken prisoner in Rochester Castle. He was committed to the custody of John Marshal, but he regained his

liberty by money, and the intercession of friends. He was at the famous tournament held at Waldron, in Essex, and he there tilted with Emauld de Mountenci ; and, by his omitting to put a socket on the point of his lance, it entered the neck of his opponent, under his helmet, and he fell from his horse, and died. It was supposed he did it intentionally, to revenge himself for a broken leg, which he had in tilting with him at a former tournament. For this act, he was forbidden to tilt again, without special licence.

Though he attended the King into Gascony, and was appointed governor of Bristol Castle, he afterwards joined the discontented barons ; and he swore, at Oxford, that he would remain firmly attached to their cause. As his leading principle was gain, he very soon violated his oath ; and, for his defection, he was excommunicated by the Archbishop of Canterbury. He remained firmly attached to the royal party, and was dangerously wounded at the siege of Rochester Castle.

After the battle of Evesham, he was rewarded with the wardenship of all the forests beyond the Trent ; and he was appointed sheriff of Cumberland and Kent, and Warden of the Cinque Ports. He obtained considerable grants of lands, forfeited by the great barons ; and, in the year 1266, he expended a considerable sum of money, in defending the coast of Kent, against the Barons of the Cinque Ports, and others, then in opposition to the King. He was signed with the cross, to accompany Prince Edward to Jerusalem ; but he died without performing his journey. Pat. 48 Henry 3, m. 20 ; and 49, m. 3.

52. This *Henry Montfort* was the son of Simon, the great Earl of Leicester, who stood so high in favour with the King, that his son was educated with Prince Edward. Henry was slain at the battle of Evesham ; and his body being discovered in the field, the Prince ordered it to be interred with due honour, and he attended himself at the funeral. Pat. 48 Henry 3, May 5.

53. *Henry* and *Robert Gascoigne*, were Constable of the Castle, and Warden of the Cinque Ports, at the same time ; but it was pro-

bably only until others were appointed to succeed them. Pat. 49 Henry 3, July 8.

54. *Walter Berested.*

55. *Matthew Belers, or Besliz,* was Warden of the Cinque Ports under Prince Edward.

56. *Simon de Sandwich.* There is but little more known of him, than that he lived and died in the town of Sandwich, and was buried in Saint Peter's church there; and he has been considered as a benefactor to that place.

57. *Sir Simon de Sandwich* was a considerable benefactor to Saint Bartholomew's Hospital, near that town. It is supposed that he was interred in the chapel belonging to that hospital, under, or near, a slab of Sussex marble, on which is carved the figure of a man, completely cased in chain mail, with a smooth breast-plate over the haubeck. There is also a triangular shield over the body, with a broad sword on the left thigh. Pat. 50 Henry 3.

58. *Edward, Prince of Wales,* afterwards Edward the First. Pat. 51 Henry 3.

Henry the Third and Edward the First.

59. *Stephen de Pencester* was sheriff of Kent; and he first acted as Constable of Dover Castle, under Edward the Prince of Wales; and he afterwards held the office for himself.

He built a sumptuous tower at his castle at Alington, called Solomon's Tower; and he obtained a charter of free warren for his manor there, a weekly market on Tuesday, and a fair yearly, for three days, on the vigil and festival of Saint Lawrence, and the following day. He was a witness to the charter granted to the Barons of the Cinque Ports, by Edward the First, in the sixth year of his reign.

While he was Constable of the Castle, a second time, he received the King's order for the Barons of the Cinque Ports to sail with their fleet to the coast of Wales, to assist in the expedition against Prince

Llewellyn, for violating his treaty, and attacking Lord Roger de Clifford, and killing several of his men. This expedition prevented the King from going to the holy land; and as the clergy had allowed their year's tenths towards the expences, the pope deputed several persons to collect the money, and to remit it to him. This induced the King to send his precept to the Warden of the Cinque Ports, to enjoin him strictly to guard the coast; and not to suffer any vessel to take money on board, under the penalty of the master's forfeiting his life and property.

Pencester was considered as a learned man; and while he was Constable of Dover Castle, he had all the grants of lands, and knights' fees, with the services each knight owed to the Castle, collected, and the book was in being when Darell compiled his history.

He was buried at Penshurst, in Kent. In the south chancel is a very ancient figure, in stone, of a knight in armour, with his head reclining on a cushion, and supposed to be for Sir Stephen de Pencester. This figure formerly laid on an altar tomb; but is now placed erect against a door on the south side of the chancel, with these words painted on the wall above it. "Sir Stephen de Pencester." He was the last of his family who claimed any property at Penshurst. Many years after the death of Sir Stephen, a bust of white marble was shewn for a likeness of him; and, by its antiquity, it was probably genuine. Pat. 51 Henry 3, and 11 Edward 1.

Edward the First.

61. *Sir Robert de Burghersh*, while Constable of Dover Castle, and Warden of the Cinque Ports, cited Jeffery Bocton, the abbot of the house at Feversham, to appear at his court at Shepway, for certain trespasses committed within his jurisdiction. The barons of Feversham were fined five hundred marks, for usurping sundry royal privileges, which were not mentioned in their charter; and they were to pay the fine by instalments; twenty pounds immediately, and fifteen pounds yearly, until the whole was discharged. As the abbot did not appear,

judgment passed upon default, and he was apprehended, and sent to Dover Castle. The archbishop, upon hearing that he had committed an ecclesiastic to prison, cited the Warden to appear in his court; and as he did not plead, he was condemned for contumacy.

The King issued his prohibition against the proceedings of the spiritual Court, and commanded the archbishop to reverse the sentence; and if he did not absolve his constable, he would punish him with the utmost severity for his contempt. The archbishop was obliged to submit.

The King, in the thirteenth year of his reign, sent his precept to the Constable of the Castle, to order the Barons of the Cinque Ports, to have fifty-seven of the stoutest of their ships, ready to sail to New-castle, and to be at the place of rendezvous on the festival of the Assumption of the Virgin, to sail against the Scots.

In the thirty-second year of this reign, Burghersh was summoned to parliament, with the great barons of the realm, and he died soon after his advancement. Pat. 19, 26, and 27, Edward 1.

62. *Simon de Cray*, of Foot's Cray, in Kent.

63. *Sir Robert de Surland* received the honour of knighthood at the siege of Caerlavrac. While he was Constable of Dover Castle, in the year 1294, he had orders for all the mayors, bailiffs, and good men of the Cinque Ports, to be ready, with their whole service of ships, at Winchelsea, on the day after the festival of Saint John the Baptist; and to fit out every other vessel they could, of forty tons burden, in order to sail where the King should direct them. The fitting out a greater number of vessels than they were compelled to do by charter, was not to be considered as a precedent in any future time.

The Barons of the Cinque Ports were as backward as the nobility and gentry, in attending to the first precept; and he was obliged to issue a second order, dated the twenty-fifth of July, for their fleet to be at Winchelsea with all convenient speed; but they were so slow in their motions, that they were not ready to sail before the middle of August.

Sir Robert died in the thirtieth year of this reign, and was interred in the chancel of the parish church of Minster, in the isle of Sheppy. In a wall on the south side is a monument, under an arch, enriched with quatre-foil work, with his figure in alabaster, cross-legged. On his left arm a round helmet and a shield, and a sword on the same side. At his feet an armed page, and a lion. On the right side an horse's head, rising out of the waves.

Several tales, too trifling to be noticed, have been invented, to explain the figure of the horse's head, and the following may probably be the true one. Sir Robert had a grant of liberties with his manor of East Church, and one of them was wreck of the sea. The extent of this royalty has been supposed to be, as far as a person could ride into the water on an ebb tide, and touch any thing with the point of a lance. Whether the horse's head refers to this grant, or was intended to commemorate any memorable action, is a question not easily determined.

64. *Robert Burges*, the Constable of the Castle, received a writ, in the thirtieth year of this reign, for the Barons of the Cinque Ports to fit out their fleet, and this is all that I have seen recorded of him. Pat. 27 Edward 1, July 20.

65. *Sir Reginald Cobham*, surnamed Le Uncle, had his seat at Rundle, at Shorne, in Kent. In 1284, he answered for the service of one knight's fee, for the abbot of Saint Augustine, in the expedition against the Welch, and for which he received twenty pounds. The King granted him a yearly fair, and a weekly market, at Groombridge, in Kent, and appointed him governor of the islands of Gurnsey and Jersey. By his marriage with Joan, the eldest daughter of Stephen de Penccester, he had Arlington as a part of her inheritance. Over his grave, in Shorne church, is his effigy, cross-legged, armed in mail, without a baron's robe. Rot. Fin. 34 Edward 1.

66. *Henry Cobham, jun.* was the second son of John, and he succeeded his uncle in the constableness of the Castle. In the year 1287, he was appointed governor of Tunbridge Castle, and he had a summons

to parliament among the barons of the realm. Pat. 34 Edward 1, and Rot. Fin. 1 Edward 2, m. 9.

Edward the Second.

67. *Robert de Kendall*, upon being appointed Constable of Dover Castle, received an order from the King, to prohibit all French merchant ships either exporting or importing any goods, within his jurisdiction; and the Barons of the Cinque Ports were also ordered by him to fit out their fleet, to carry the King to the continent. Within three years they were again called upon to fit out their fleet, to go on an expedition against the Scots, in which the King gained but little credit.

Ralph Comays was joined with him as Warden of the Cinque Ports, to guard the coast of Kent, and they were to arrest all natives of France found within their jurisdiction. Pat. 1 and 18 Edward 2.

68. *Ralph Comays* was the son of John, by Margaret, daughter of Sir John Gulesdown. The lady, having an attachment to Sir William Pamel, left her husband, and lived with him. Her husband, Sir John, by a deed of gift under his hand and seal, transferred the lady and her fortune to Sir William. Sir Ralph was a soldier by profession; and, for his services on the continent, and in Scotland, he received the order of knighthood with Prince Edward.

69. *Sir Hugh le Spencer, junior*, afterwards called the Earl of Gloucester, received the order of knighthood with Prince Edward. He had livery of the lordships belonging to the Earl of Gloucester, by marrying with Elenor, his daughter.

In the year 1320, he was joined in commission with Bartholomew Badlesmere, to dismiss certain suspected officers in Gascony, and to put others in their place; and, in the year following, he entered into a treaty with John de Birmingham, to unite their strength against any opposition. Both this Hugh and his father were great favourites with the King; and they not only obtained the governorships of castles, but many special grants of lordships and manors. They were so weak,

as to suffer their pride and their insolence to increase with their fortunes, and their haughty behaviour proved very offensive to the great barons; who called a meeting at Shireburn, to adopt a method for checking their haughtiness. At this assembly, they unanimously agreed to march to Saint Alban's, with their banners flying, and dictate terms to the King. They first sent the Bishops of Hereford, Chichester, and Salisbury, to request of the King to banish both the father and the son, and to give a general pardon to all who had taken up arms against them. This petition was refused by the King, and the barons marched immediately to London; and these steps were so alarming, that he was obliged to listen to terms. Writs were issued for a parliament, and they were both banished. Hugh, the elder, after lurking about in secret, took two ships, at the port of Sandwich, worth forty thousand pounds, and made his escape with them. He was not long before he came back to the King; and, by his persuasion, an army was raised, and led unexpectedly against the barons, at Borough-bridge, in Yorkshire, and totally defeated them. The Spencers obtained from the King a reversion of their sentence; and they were loaded with lordships, manors, and fortified towns, which had been confiscated to the crown. Their influence was so great, that they obtained whatever they coveted, by threatenings and imprisonment.

The Queen being on the continent, had regular accounts of the discontents of the people; and she persuaded the Prince to publish a proclamation in London, for the banishment of the Spencers. She then sailed for Harwich with the exiled nobles, and what force she could collect; and, as soon as she landed, she offered a reward of two thousand pounds, for the head of the youngest Spencer. She soon found a sufficient force to awe the favourites; and when Hugh, the elder, was taken, she caused him, at ninety years of age, to be beheaded, and his body hung on a gibbet, in the presence of his son, and the King. This alarmed them both; and they embarked on board a small vessel, and sailed towards the isle of Lundy; but, after con-

tending with contrary winds for eleven days, they were obliged to land in Wales, and Hugh Spencer defended himself in the castle of Haer-filis, until he was obliged to surrender.

At his trial he would not plead; and they sentenced him to be drawn on a hurdle, preceded by trumpeters, through the streets of Hereford, and, in the market place, to be fixed on a high ladder, that he might be seen of all the people. A fire was ordered to be kindled near him, his head to be taken off, and his heart cut out and burnt, because he was a traitor. He was executed on the eve of Saint Andrew, in the year 1326, and hung on a gallows fifty feet high. Being cut down, and quartered, his limbs were sent, in his own chariot, to different places, and his head to London Bridge. Pat. 14 Edward 2.

70. *Edmund Plantagenet*, the son of Edward the First, was born at Woodstock. While he was Constable of Dover Castle, he received the King's precept, for the Barons of the Cinque Ports to fit out their fleet, and to rendezvous at Ireland, by the first of June, 1327. The Earldom of Kent, which had been dormant from the death of Hubert de Burgh, was revived for Edmund Plantagenet, and he was sent into Gascony, to settle a difference with the King of France; who had seized the dutchy of Gascony, because he had not received the homage due to him.

Edmund had been the tutor to his nephew, Prince Edward; and while he was with them on the continent, he unintentionally hastened the ruin of the King, by listening, and leaning too much to the intrigues of the Queen and her party.

After the imprisonment and murder of Edward the Second, the Earl of Kent, without knowing of his death, endeavoured to find out the place of his confinement, with an intent to procure his enlargement. The letter which he had written, and addressed to his brother, as living, was intercepted; and he was apprehended in consequence of it; and the Queen went to Winchester, where the parliament was

assembled to complain of him. He was condemned, and it has been said, that he was so much beloved by the people, that he stood on the scaffold from one until five of the clock in the afternoon, before they could find a person to take off his head; but it is probable that the Queen ordered the bailiff of Winchester to have the business done more expeditiously. Pat. 15 Edward 2.

71. *Sir Thomas Peache* was a favourite with his royal master, and he sent him to demand the surrender of the Castle of Warwick, and to imprison all those who offered to defend it.

At the accession of Edward the Third, he was charged with treason by Edmund, Earl of Kent, and his lands were seized; but he was acquitted, and had his estates restored again.

He had summonses to all the parliaments from the fourteenth year of the reign of Edward the Second to the ninth of Edward the Third; and he died about the twelfth. Edward 2, Rot. Fin. m. 24.

72. *Ralph Basset*, of Drayton, had the honour of being knighted with Prince Edward; and the same year he accompanied the King in his army to Scotland. He there quitted his station without leave, and his lands were seized; but he soon obtained pardon.

He gave one hundred marks for the marriage of Margaret, the widow of the Earl of Stafford. In his second expedition to Scotland, he maintained his post, and was appointed governor of the Castles of Stafford and Northampton.

Thomas, Earl of Lancaster, having forfeited Kenelworth Castle, was joined with John de Samery to seize it; and for this service he had the lordship of Buckley given him, and the stewardship of the dutchy of Aquitaine. In this office he was brought into difficulty. The King of France had obtained, by exchange, a parcel of ground within Basset's jurisdiction, and he built a fort and a tower upon it. The inhabitants refused to be governed by the laws of the province. This he resented, and he ordered their houses to be pulled down; and several of the inhabitants, in making resistance, were slain. For this rash

step, he was obliged to retire to the castle of Monpesade, where he could defend himself, until the affair could be settled between the two courts.

In the last year of the reign of Edward the Second, while he was Constable of Dover Castle, he received orders to behave very courteously to the Queen, and Prince Edward, if they should come in a peaceable manner within his jurisdiction; but if they appeared with ships of force, in a hostile manner, he was to treat them as enemies.

The Cinque Ports fleet was ordered to cruize in the Channel, as the Queen was expected with an armed force from France; and Nicholas Criol was appointed admiral, from the Thames westward, with orders to prevent all suspected persons from sailing out of the kingdom, until they could see how matters would terminate. While the Queen was making preparations to land in England, the Cinque Ports fleet, in conjunction with other vessels, sailed to the westward, and took an hundred and seventy sail from the French, and brought them safe into harbour.

Basset was afterwards governor of the islands of Gurnsey and Jersey, and he died about the year 1344. Rot. Fin. 19 Edw. 2, m. 13.

73. *Lord John Cobham* had summonses to Parliament from the sixth year of the reign of Edward the Second, until the ninth of Edward the Third; and he was one of the conservators of the peace for the county of Kent. He had the Castles of Dover, Rochester, and Tunbridge.

In the north wall in the chancel of Cobham church, is the effigy of Lord John Cobham (head gone) in a gorget of mail, and picked shoes, a lion at his feet, and over him a quatre-foil arch, in a purfled pediment, surmounted by a bouquet, and in the centre, a quatre-foil in a round. Pat. 22 Edw. 2.

Edward the Third.

74. *Bartholomew Lord Burghersh* was one of the barons, who joined with Thomas, Earl of Lancaster, and others, in opposition to

the two Spencers. After the defeat of the Barons at Boroughbridge, he fled, with Lord Badlesmere, to Leeds' Castle, where they were besieged, and taken prisoners; and he was sent to the Tower. The arrival of the Queen procured him his enlargement.

While he was Constable of Dover Castle, the King sent him a precept, to apply to the Barons of the Cinque Ports for a subsidy, to enable him to go against the Scots. It appears that they complied with his request, on being excused the fitting out their fleet; for the town of Sandwich raised £148 : 3 : 8, which they levied on the old and new duties of that port.

In the year 1330, he received orders for the Barons of the Cinque Ports to fit out forty of their largest ships, and to have them ready in May, to sail with John de Eltham, and his suit, to the continent.

In February, he had a precept for the Barons of the Cinque Ports to perform their service in supporting the canopy at the coronation.

He received a third precept for all mayors and bailiffs, within his jurisdiction, to collect the bones of Hugh Spencer, that they might have Christian burial, if found within his bailiwick.

In the year 1332, he had orders to search all prelates, barons, and knights, who intended to embark at Dover for the continent; and he was not to suffer them to take any more money, than sufficient to pay their expences, according to a table fixed up in the town.

He had generally some business on his hands. In 1333, a fleet of foreign merchant ships were driven on the coast in a tempest, and some of them were wrecked, and others were obliged to cast overboard a part of their cargo, near Dover. After the storm abated, the inhabitants of the town took up six lasts and one half of allecium; and, according to their usual custom, they claimed a moiety for saving the property. The Norman merchants would not take the remainder; but as they could not recover any more by a legal process, they stopped all vessels belonging to Dover, both at Calais and Whitsand, and the passage was shut for some time.

As the Warden of the Cinque Ports could not settle the dispute, a formal application was made to the King of France, to do justice to the English mariners.

The French, in the following year, plundered the sea coast to the westward; and they landed at Hastings, and burnt several houses. The Barons of the Cinque Ports determined to revenge this injury; and they fitted out a small fleet, and, on a misty day, sailed over to Boulogne, and set fire to the town. They burnt nineteen galleys, four large ships, and twenty-seven small vessels. They also burnt a store-house, in which were sails, oars, anchors, and cross bows, sufficient for nineteen galleys.

Burghersh, in all his difficulties, continued in favour with the King, and he was sent, with William de Montecute, to obtain from the pope certain privileges, granted to the abbot and his society at Westminster. He was rewarded for this service with a grant of forfeited manors, and appointed warden of all the King's forests south of the Trent. He was at the battle of Cressy; and he afterwards accompanied the Earl of Lancaster, to settle a peace between the French King, and the Earl of Flanders. Lord Burghersh was generally in active service; and he was admiral of the seas to the westward, chamberlain to the King's household, and constable of the Tower of London. Pat. 1 Edward 3.

75. *Sir William Clinton*, knight, paved his way to titles and power, by marrying the widow of Lord Hastings. When he was Warden of the Cinque Ports, in the year 1331, he received orders for the Barons to have their fleet in readiness, to fetch the Countess of Holland from Whitsand; and they were to provide horses and harnesses, to forward her on her journey when landed, as far as their jurisdiction extended.

He called upon them again, the following year, to assemble their fleet at Dover, to sail to the continent for Elenor, the King's sister, who was expected in England, to be married to Lord Reginald de Gerle. The priors of Faversham, Langdon, and Dover, were jointly

Vol. ii.

F f

to raise one hundred pounds, towards paying the expences of the wedding, and raising a portion for the lady.

In the year 1335, the Warden called upon them again, to have their fleet ready to sail to the continent, with certain foreigners, who had been to England on public business; and Alexander Harty, of Dover, was fined two hundred marks, for charging eighty-seven pounds ten shillings, for carrying over a certain count, who was to have passed at the King's expence.

A proclamation was issued by Sir William, forbidding all religious, and other persons, from sending any money, or vessels of gold or silver, out of the kingdom, without special licence; and tables were ordered to be hung up in the ports, to forewarn every person of their danger in doing it.

In the eleventh year of this reign, Sir William assembled the Cinque Ports fleet, at Dover, to take over the Archbishop of Canterbury, and the Bishop of Durham, who accompanied two cardinals, who had been sent by the pope into England, to settle a difference between King Edward, and the French King. He employed the fleet again, to transport soldiers to Flanders; and as they were returning, they took several ships, and brought them to Dover, without knowing whether they were friends or enemies; and the Warden was ordered to detain them, until the matter was finally settled.

In the year 1340, the King of France fitted out a large fleet of ships; some authors say four, and others two, hundred sail, including small vessels, with a view of attacking Edward in his passage to Sluice. The Cinque Ports fleet was again ordered; and the King, having collected about two hundred sail, embarked on Midsummer eve. He was joined the next day by Lord Robert Morely, with the northern fleet. They defeated the French near Sluice.

Soon after the return of the Barons of the Cinque Ports from this expedition, their Warden received orders for them to be at Portsmouth, at the time assigned them, with their fleet, under a heavy penalty.

They were enjoined to send from Dover two valiant and discrete men, to inform the council of the equipment of their fleet, three weeks before they were to be at their station. The town of Sandwich, in fitting out for this expedition, supplied the King with 1322 quarters of wheat, 232 quarters of beans and pease, 300 weight of bacon, 152 tuns of ale, 66 tuns of wine, and 26 wheys of cheese.

After the truce, in 1343, some of the Cinque Ports fleet quitted their station on the coast of Brittany, without leave, and returned home; and others were driven by a storm into different ports on the continent; by which the King was in great danger, and several of his nobles were drowned. On his arrival in England, he sent orders to the Warden, to command all mayors and bailiffs to seize the ships, and take the mariners, and the masters, and send them to Newgate. Two of the ships were from Margate; and the masters' names were Simon Lioner, and Solomon Litherer. There was also a large barge from Sandwich, called *la Catharine*, John Fowler, master; and *la Blithe*, from Hithe, William Brown, master.

Sir William Clinton siezed the great Mortimer, at Nottingham Castle; and, for this service, he received summons to parliament with the barons of the realm. While he was of the King's household, he obtained a licence for a chauntry of ten priests, at Marstoke; and he granted them the advowson of the church, and twenty pounds a year, for their maintenance. He obtained a charter for a yearly fair at Eltham, in Kent. While he was admiral from the Thames westward, he founded a monastery at Mortlake, and endowed it very amply, for regular canons.

The King for his services created him Earl of Huntingdon, and gave him an annuity of twenty pounds, out of the revenue of that county; and a further grant of one thousand marks yearly, to support the dignity of the title; and he had about nine hundred pounds for his services on the continent.

He was constable of the tower of London, and died in the year 1357, and he was buried in his monastery, at Mortlake. Rot. Fin. 4 Edward 3, m. 11; and pat. 13 Edward 3, m. 13.

76. *John de Lancaster* was descended from William, Baron of Kendal, and he received summons to attend the King, at Portsmouth, well fitted with horse and armour, to go with him to the continent.

In 1334, he was appointed, with the Archbishop of Canterbury, the Bishops of London and Chichester, and Sir William Clinton, to direct all public business, during the absence of the King in Flanders, to settle a treaty with the Duke of Brabant. John de Lancaster received summons to parliament; and he had several lordships in Essex and Northumberland, and the manor of Rydale, in Westmorland. Pat. 11 Edward 3.

77. *Reginald, Lord Cobham*, knight of the Garter, was the youngest son of John Cobham; and he first attracted the notice of the King by his bravery in the field. While he was with him on the continent, he made him a banneret, and gave him a grant of several mills near the castle of Oxford, and the meadow called King's Mede, with several manors, to support his title.

While he was Constable of Dover Castle, a fleet of Spanish ships took several English vessels, laden with wine, at Bourdeaux, and murdered the mariners. An opportunity soon offered to retaliate the injury. The Cinque Ports fleet, with other ships, assembled at Sandwich; and the King, the Prince of Wales, and many of the nobility, sailed in them, to intercept a Spanish fleet returning from Flanders. They came up with them near Winchelsea; and, after an obstinate engagement, they captured twenty-four of them, and the rest escaped during the night.

Reginald Cobham's life was spent in active service. He was selected, for his great wisdom and fidelity, to go to Rome on an embassy, and died of a pestilential disease. Rot. Franc. 24 Edward 3.

78. *Otto de Grandison*, like many of the nobility of his time, was in the wars in Scotland, Flanders, and France; and, early in the reign of Edward the Third, he was sent ambassador to the pope.

By his will, he directed that his friends should bury him, either at the collegiate church of Saint Mary Otag, in the diocese of Exeter, or in the chapel of Saint John, at Chillerfield; as he might be resident at one of the places at the time of his death. He died in 1357, possessed of land in divers places. Pat. 29 Edward 3, August 4.

79. *Roger Mortimer* was knighted with Prince Edward, upon landing in France with the King; and, in the second expedition, he was charged with forty men. He found interest to have the judgment against his grandfather reversed, by which he obtained the title of the Earl of March, and the restoration of his castles and lordships.

While he was Constable of Dover Castle, the Barons of the Cinque Ports made heavy complaints to the King against their Warden, for encroaching on their rights and privileges. The King, in his precept to Mortimer, recited the privileges which had been granted to them, and said, " Nevertheless ye, and your officers, not having regard thereto, of late, by various processes, compel the defendants to answer before you, not only at Shepway, and elsewhere, within your liberties, at your pleasure, by which means many of the inhabitants of the said ports are highly aggrieved and disquieted, to the abatement of their conditions, and the manifest injury of their liberties and customs, and contrary to the tenor of the charters of our grandfather and father, and the custom of former times, for which we are humbly intreated to apply a suitable remedy. We, being unwilling that these Barons should be undeservedly oppressed, we command you, that, if the matter be so, you desist henceforth from such allurements, oppressions, and vexations; and causing your officers wholly to desist, you permit the mayors and bailiffs of the ports, to have and hold, within their ports, pleas of covenant, happening within their jurisdictions, without impediment or allurement made by you, agreeable to the tenor

of their charters ; and as they ought to have cognizance of this sort, and as the said Barons, and their ancestors, the aforesaid liberties, as well before the making the aforesaid charters, and confirmations, as since, have been accustomed reasonably to use and enjoy, we command the distresses which have been taken for the Barons' causes, from any of the said Barons, to be restored ; and we direct all who are complainants before you in such matters, to go to the ports, or port, in which they say the trespass was committed, there to receive justice from the mayors and bailiffs of those places, as it ought to be done."

In the year 1339, Mortimer received orders, for the Barons of the Cinque Ports to rendezvous with their fleet at Sandwich. For this service they fitted out fifty-nine ships. Rot. Fin. 29 Edward 3, m. 15.

80. *Sir John Beauchamp*, knight, was one of the founders of the order of knights of the Garter, and he carried the royal standard at the battle of Cressy.

At a famous tournament, held at Canterbury, he appeared in a surcote of fine silk, ornamented with the arms of Sir Stephen Cosington, knight. He was for his singular merit made a banneret, and appointed governor of Calais, and admiral from the Thames westward. By the false insinuations of his enemies, he was dispossessed of all his posts of honour and profit ; but when it was found that they could not support their assertions, they were restored to him again, with the addition of the Castle of Guines, and the forts of Mark, Colne, Eye, and Sandgate.

He was buried in Saint Paul's church, and there was a noble monument erected to his memory, called afterwards Duke Humphrey's tomb. Pat. 34 Edward 3, p. 1, m. 35.

81. *Sir Robert Herle* had a seat at Broughton, in Warwickshire. He held the office of Constable of the Castle for three years, and was afterwards appointed Warden for life.

In the year 1364, he was at a consultation held in Dover Castle, to consider of a treaty of marriage, between Edmund, Earl of Cambridge, and Margaret, daughter of the Earl of Flanders; and the King was present. While they were assembled, Lord Latimer came from Lord John Montfort, to learn his Majesty's pleasure relating to the proposals for a peace; and the King signed several passports at the Castle, for persons waiting on the opposite shore. Sir Robert died about the forty-third year of this reign. Pat. 35 Edward 3.

82. *Sir Ralph Spiguncell* was named in a commission, with others, to make a survey from Stonar to Cliffs-end, and from thence to Fordwich; as the abbot of Saint Augustine's monastery, by banking in the waste land, to fence against the sea, had interrupted the navigation of Minster, in Thanet, and injured the trade, and the duties paid at that place.

The charge against the abbot was proved before the itinerant justices. The monks' wall is still remaining; but it is now a considerable distance from the sea.

In the year 1370, the Constable received orders to have every man in arms, from sixteen to sixty, within his jurisdiction, to prevent the enemy from landing, and plundering the inhabitants on the coast.

The Barons of the Cinque Ports, having been so often called upon to fit out their fleet, and to arm for the defence of their towns; and their mariners being detained so much longer than their stipulated time, their trade was very fast upon the decline, and poverty followed, and they were not able to provide the number of ships as they had heretofore done. As this was a national concern, an inquiry was made into it.

The Barons of the Cinque Ports, in their answer, attributed their inability to two causes. The first was, the King ordering their ships before he wanted them; and the other, by keeping the men so long at their own expence, it had nearly ruined them. They added, that their merchant ships, being so often laid under restraint, their mari-

ners were obliged to seek other employments, which had diminished their number of seamen; and their fleet had been neglected, by employing others in the King's service.

This was the situation of the Cinque Ports, when Spirguncell was Constable of Dover Castle. Pat. 39 Edward 3, claus 43, m. 24.

83. *Sir Richard Pembridge*, while he was Constable, received a precept to apprehend, and commit to prison, all rebellious persons, found within his jurisdiction.

He was ordered to call upon the Barons of the Cinque Ports, to have their fleet ready to sail, under admiral Knowles, to the continent, in the month of July; and they raised a sufficient number of men in the counties of Kent, Sussex, and Surry, to fight the enemy, if the ships were attacked on the passage to the continent.

There is but little known of Pembridge. Pat. 44 Edward 3, p. 2, m. 3.

84. *William, Lord Latimer*, had the command from the Thames to the port of Lynne; and he was to stop all vessels in the Channel, and assemble them at the port of Sandwich, to transport the King and his army to the continent, by the thirtieth of August. Public prayers were offered up for the success of this expedition.

If the King had not been partial to Sandwich, he never would have embarked a large number of men at that place, bound to the westward; for while he was detained in the Channel by contrary winds, he lost several towns on the continent.

The Barons of the Cinque Ports petitioned to have the wages of their mariners paid by the King, from the day they assembled, by his order, at the place of rendezvous. They received for answer, that they should not be called upon, but in cases of necessity, and that they should receive reasonable wages. They were refused any allowance for the wear of the rigging of their ships, as it had not been allowed their predecessors.

Latimer was appointed governor of Becherell, and lieutenant captain general under John, Duke of Brittany. He was with John de Montfort, at Doveray, when Charles le Bloys came, with three thousand six hundred men, to raise the siege; but he was defeated by Latimer, and lost nearly one thousand knights and esquires; and two earls, twenty-seven lords, and fifteen men, were taken prisoners.

For his services he was made warden of the forests beyond the Trent; steward of the King's household; and captain of the castle and town of Saint Saviour's, in Normandy. This raised him enemies, and he was accused of misdemeanours. The heads of his accusation were, that while he was governor of Becherell, he embezzled several large sums of money, and expended his treasure unnecessarily; that while he was of the council, he had obtained letters patent to export wool to the continent, and had sent it to other places besides Calais; and had caused impositions to be laid on it, to the injury of the staple, without the consent of parliament.

The Lords and Commons were for committing him to the Marshalsea during the King's pleasure, or until he paid a fine of one thousand pounds. The King remitted both; and they were soon convinced that the charges were groundless.

He was appointed governor of Calais, and died in the fourth year of the reign of Richard the Second. Pat. 46 Edward 3, m. 49.

85. *Edmund Plantagenet de Langele*, Earl of Cambridge, was the fifth son of Edward the Third. He was born at the King's manor house at Langele, in Hertfordshire, and he took his surname from the place of his birth. At the age of twenty, he was created Earl of Cambridge; and he had a grant of the castle, manor, and town of Stamford, and the manor of Grantham, in Lincolnshire.

He was with the Black Prince on the continent; and afterwards engaged, by indenture, to serve on board the fleet for a whole year, with two hundred and fifty men at arms, two hundred and fifty archers,

thirty knights, and two hundred and twenty esquires. He was in active service on the continent, when the truce was settled between England and France; and, on his return, he was appointed to Dover Castle. Froissard says, that when the French fleet appeared on the English coast, he was with his brother, at Dover, with one hundred thousand men.

By equipping himself so often for the King's service, he had contracted debts; and being named in a commission to go to Portugal, he obtained a grant, for his executors to receive his rents a year after his decease, in case he should die suddenly, or in the field, that they might satisfy his creditors.

He was, on his return, created Duke of York; and he had a grant of six hundred and forty pounds a year, out of certain customs, until lands, to the amount of one thousand pounds annually, could be settled on him.

In the parliament, held in the tenth year of the reign of Richard the Second, he was joined with the Duke of Gloucester, and others, to inquire into the abuses of government, from the death of Edward the Third. He held the office of high steward of England, until the heirs of Henry of Lancaster sued for it.

He died in the fourteenth year of Richard the Second, and was buried at Langele. Pat. 50 Edward 3, m. 19; and 19 Richard 2.

Richard the Second.

86. *Sir Robert Asheton*^{*} was son of Sir Thomas, of Underline, in Lancashire. He was a favourite with the King, and he appointed

^{*} The following Patent, creating Sir Robert Asheton, Constable and Lord Warden, is to be found in Weever's Fun. Mon. 268:—

“ Rex omnibus, &c. salutem. Concessimus post suum redditionem Edmundi Comitis

Cantab. dilecto et fideli nostro Roberto de Asheton. Constabularium Castri Dovor, ac custodiam Quinque Portuum, habend. et custodiend. cum omnibus et singulis ad eandem Constabulariam, et custodiam, qualitercunque spectan-

him admiral of the narrow seas ; justice of Ireland ; treasurer of the exchequer ; and chamberlain of the household. Pat. 4 Rich. 2, m. 28.

87. *Sir Simon de Burleigh*, knight of the Garter, had several offices ; and, at the death of Juliana de Leybourne, he had a grant of lands which escheated to the crown.

While he was Constable of Dover Castle, the French collected an army at Boulogne, and threatened a descent upon the English coast. Sir Simon endeavoured to take an advantage of the alarm ; and he proposed removing the rich ornaments from Thomas Becket's shrine, and the jewels, and other valuables of gold and silver, belonging to the church of Canterbury, to Dover Castle, as a place of safety.

This scheme was not overlooked by the monks, and they endeavoured to plot his ruin.

The French landed at Stanore, and burnt the town, which was in Burleigh's jurisdiction ; and he was accused, by the abbot and his brethren, of being inattentive to his duty, and that he had engaged to deliver up the Castle to the enemy. The abbot complained, that after he had collected his tenants, and assembled them at Northbourne, the Constable would not suffer them to pass over at Sandwich ; and he was obliged to march them round by Fordwich, to get into Thanet ; and as soon as the enemy saw his strength, they fled to their galleys.

Though the accusation was not satisfactorily proved against Burleigh, Thomas de Woodstock, Duke of Gloucester, ordered him to be beheaded, without the consent of the King. The parliament took the extraordinary proceeding into consideration ; and they accused Tho-

tibus, sive pertinentibus, ad totam vitam ipsius Roberti, adeo plene et integre, sicut aliqui alii Constabularii, et custodes portuum eorundem Constabul. et custod. illas ante hæc tempora ex concessione nostra habuerunt, seu tenebant. Percipiendi. pro Constabular. et custodia præ-

dictis, pro sustentatione sua necnon Capellano-
rum servientium, et Vigiliis, ac unius Carpen-
tarii, indicto castro commorantium. C.C.C. ℔
per annum, juxta ratam temporis, videlicet de
Wardia. T. R. apud Westm. 1 Feb. ann. 4. r. Re.
Ric. 2 Pat. 2, m. 28.—Ex Arch. Turris Londoniæ.

mas, Archbishop of Canterbury, while he was chancellor, of being one of the principal persons concerned in plotting the death of Burleigh; and that he had advised the Duke of Gloucester, and the Earls of Arundel and Warwick, to assume royal authority, and order his execution. The parliament therefore prayed, that judgment might be given by the King against the archbishop, according to his deserts. The King answered, that the archbishop had privately confessed to him, that he had been mistaken in his commission, and therefore recommended him to mercy.

The archbishop was adjudged guilty of treason; his temporalities were seized, his goods forfeited, and he was ordered to quit the kingdom, and embark at Dover.

Sir Simon was buried in the north aisle of old Saint Paul's; and a plate of his monument is in Sir William Dugdale's History of that church. Pat. 7 Richard 2.

88. *Sir John Devereux*, knight of the Garter, took his surname from Everus, a town in Normandy. He engaged with Prince Richard to serve in his wars for life, and he was made governor of several towns, and of Leeds Castle, in Kent. Being an experienced soldier, he was sent to Calais, to defend that place; and John, Duke of Britany, granted him an annuity of one hundred marks for life.

Upon the attainder of Sir Simon Burleigh, he had a grant of Lionhales, in Hertfordshire, and the lordship of Penshurst, in Kent, with a licence to build a castle there; and he was summoned to parliament with the barons of the realm.

By his will, he ordered his body to be interred in the Grey Friars, London. Pat. 11 Richard 2, p. 2, m. 19.

89. *Sir John Beaumont* was a favourite with the King; but the great barons considered him as an evil counsellor; and, at their meeting at Harrinjay Park, they contrived, by their influence, to have him expelled from court. This temporary expulsion did not destroy his

interest; for he obtained a licence, for permission to go to Calais, to exercise himself in feats of arms; as four French knights had challenged as many English, to tilt with them at that place.

He was afterwards appointed admiral of the fleet; and he received a precept, for the Barons of the Cinque Ports to rendezvous with their ships at Bristol, on the festival of the Exaltation of the Cross. This was probably the first time the King had demanded the services of their fleet in his reign; as he mentioned, in his summons, the services they were to render him; and they were to transport him and his army to Ireland. Beaumont was also appointed warden of the marches; and he entered Scotland with an army, and ravaged the country upwards of forty miles from the coast.

When he had the castle of Cherburgh committed to his care, he was prohibited from exercising himself in feats of arms, with any Frenchman, without special licence from the Earl of Northumberland.

While he was Warden of the Cinque Ports, or very soon after he quitted the office, he was sent to treat for a marriage with Isabella, the eldest daughter of the King of France, with his royal master. He died about the twentieth year of this reign. Pat. 16 Richard 2, p. 3. m. 20.

90. *Edmund, Duke of York and Albermarle*, was the eldest son of Edmund de Langele. He was created Earl of Rutland during his father's life; and he had a grant of the castle, town, and lordship of Okeham. Between the fourteenth and the twentieth years of this reign, he was loaded with places of honour and emolument. He was admiral of the fleet north of the Thames; justice of all the forests south of the Trent; constable of the tower of London; governor of the islands of Gurnsey and Jersey; constable of Dover Castle; and high constable of England; with a grant of the isle of Wight, Carisbroke Castle, and of several noblemen's estates, who had been attainted by parliament.

These favours required some services; and he was engaged, by indenture, to go to Ireland, with one hundred and forty knights and

esquires, and men at arms, with two hundred archers on horseback ; and to every twenty archers, a carpenter and a mason.

He was probably a better soldier than a Christian ; for he was not only privy, but assenting, to the murder of his uncle, the Duke of Gloucester, as he sent a servant to assist the murderers. This base action was so far resented by the nation, that the parliament, which met in the first year of the reign of Henry the Fourth, deprived him of his title of duke. To revenge this disgrace, he entered into a conspiracy, to murder the King at Windsor, on Twelfth-night ; but, judging that he should strengthen his interest, and secure his safety, by turning informer, he betrayed his associates ; and he received pardon, and had his estates restored.

In the seventh year of the reign of Henry the Fourth, he was restored to his title of Duke of York. At the battle of Agincourt he desired the post of honour, and, being a very fat man, he died of the heat he experienced that day. Pat. 20 Richard 2, p. 1, m. 20.

91. *Sir John Beaufort* was the eldest son of John of Gaunt, Duke of Lancaster, and he took his surname from the castle of Beaufort, in France.

He obtained a licence to travel by the title of Sir John de Beaufort ; and he was afterwards created Earl of Somerset and Dorset. The patent for Dorset was soon recalled, and another granted him of Marquis of Somerset ; but he went by the title of Dorset ; and by that appellation he was appointed Constable of Dover and Wallingford Castles. During the reign of Richard the Second, fortune poured down the choicest of her gifts, with a liberal hand, upon him ; but he met with a temporary reverse, at the accession of Henry the Fourth to the throne. Beaufort having been one of the accusers of Thomas de Woodstock, Duke of Gloucester, the parliament deprived him of his title ; but in the following year, the King received him again into favour, and appointed him captain at Calais, and extended his jurisdiction into Picardy and Flanders.

The parliament afterwards petitioned that he might be restored to his title of Marquis of Somerset ; but it being an honour newly created, he was indifferent about it. He died in the eleventh year of the reign of Henry the Fourth. Pat. 21 Richard 2. p. 2, m. 2.

Henry the Fourth.

92. *Sir Thomas Erpingham*, knight of the Garter, was reckoned one of the first warriors of his time ; and he obtained a licence from the King, in 1385, to accompany John, Duke of Lancaster, into Spain.

He was one of the lords of parliament, who voted that Richard the Second should be taken into safe custody. He promoted the interest of the Duke of Lancaster ; who, after he had obtained the crown, appointed him chamberlain of his household, and Constable of Dover Castle. The King entrusted him with business of the first importance. His palace was at Norwich, and he was a great benefactor to that city, and the cathedral. The fine window, in the church of the Friars, was made at his expence. The story which is told of him, and one of the monks, may be seen in the History of Norfolk.

The King gave him a house at Paul's Wharf for his city residence. He held the office of marshal of England ; and he was with Henry the Fifth at the siege of Harfleur. In the following year, he went ambassador to France, to treat for peace. He died in 1424, and was buried in the cathedral at Norwich. Pat. 3 Henry 4.

93. *Henry Plantagenet*, Prince of Wales, afterwards Henry the Fifth. Pat. 12 Henry 4.

Henry the Fifth.

94. *Sir Thomas Fitzallan*, Earl of Arundel, was made knight of the Garter, at the coronation of King Henry the Fourth. In the first parliament held in the reign of Henry the Fifth, the judgment against his father was reversed, and he was restored in blood.

He obtained a charter for a weekly market, and an annual fair, at Houghton, in Sussex. He died in the year 1415, and was buried in the choir of the collegiate church, in Sussex. Pat. 1 Henry 5, p. 1, m. 37.

Henry the Sixth.

95. *Humphrey, Duke of Gloucester*, was the youngest son of Henry the Fourth, and he was made a knight of the Bath at his father's coronation. Several castles and lordships, then in the crown, were next given to him. He was created Duke of Gloucester; and, in the parliament held at Leicester, he was summoned by the title of the Earl of Pembroke.

Like the great men of his time, he was a soldier; and he was with Henry the Fifth at the siege of Harfleur. In the battle of Agincourt he received a dangerous wound; but he continued on the continent, and was appointed governor of Guines for fourteen years. A dispute happened about this time, between the Duke and Dutchess of Brabant, and she left her husband, and came to England. The Duke of Gloucester was so much pleased with the lady, that he married her. This rash step was likely to produce a serious quarrel; but pope Martin dissolved the marriage, and the Duke resigned the lady.

While he was Earl of Flanders, he received a summons to serve the King with one duke, two earls, eleven barons, twenty-three knights, four hundred and fifteen men at arms, and four hundred and forty-five archers; and with this force, he raised the siege of Calais. For this service, he had a grant of two thousand marks yearly, during the King's pleasure.

The Duke continued in favour with the King, but he was disliked by the Queen; and she plotted, with his enemies, the Duke of Buckingham, and the Marquis of Suffolk de la Pole, how to criminate him. This they accomplished, and he made an able defence; but it did not avail him. He was a popular character, and his enemies were afraid to attack him openly; and they waited an opportunity to take his life privately.

He received a summons to meet the parliament at Saint Edmund's Bury; and there he was arrested, with thirty-two of his servants, by the high constable of England, and they were sent to different prisons. The Duke was found dead in his bed, and it was supposed that he was murdered. He was buried at Saint Alban's.

This good duke, for so he was frequently called, was educated at Baliol college. He was a scholar, and a favourer of learned men. He made a choice collection of manuscripts, in France and Italy, and he laid the foundation for the famous library over the divinity school, which was afterwards very much augmented by Sir Thomas Bodley, and now called by his name. Pat 1 Henry 6.

96. *John Reynsford.* Pat. 4 Henry 6.

97. *James Fienes*, Lord Say and Sele, was the second son of Sir William. He was bred to arms, and was in the army under Henry the Fifth; and, for his services, he had a grant of a large tract of land, near Roan.

In the reign of Henry the Sixth he was sheriff of Kent, Sussex, and Surry; and afterwards raised to the dignity of a peer of the realm, and appointed Constable of Dover Castle, and of the Tower of London, and he was at the head of the treasury. But neither rank nor affluence could shield him against the rage of the people. The commons, in the parliament adjourned to Saint Edmund's Bury, accused him of treason, in assenting to give up Anjou and Maine to the French. The King wished to appease the public clamour, and he dismissed him from the treasury, and sent him to the Tower; but this did not calm the resentment of the people. The insurgents in Kent, finding their numbers increasing as they approached London, went and took him by force from the Tower, and brought him to Guildhall, and accused him before the lord mayor, and the aldermen; and, after passing sentence themselves, they hurried him away to the stand at Cheapside, and there they beheaded him. The head they carried, elevated on a

Vol. II.

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pole, in procession to Southwark, dragging his body after it upon the ground, tied to the tail of a horse.

He had ordered in his will, that his remains should be buried in the church of the Grey Friars, in London; and he left to the monks one hundred pounds, to say four hundred masses for the benefit of his soul, within six months after his decease. Pat. 25 Henry 6, p. 2, m. 1.

98. *Humphrey Stafford*, Duke of Buckingham, was called upon to serve in the army, under Henry the Fifth, with two men at arms, and thirty archers, accoutered according to their quality. His pay was to be six shillings and eight-pence a day, the men at arms one shilling, and the archers eight-pence. He was to have all the prisoners which he took, excepting Kings, and Kings' sons, and those who slew the Duke of Burgundy. After he was appointed captain of Calais, he was called upon to serve the King with two hundred and sixty men.

Soon after he was created Duke, there was a violent dispute between him and the Duke of Warwick, to whom the King had given precedence. To stop the progress of this dissension, there was a special act passed, for each of them to have precedence yearly; and after the death of Warwick, Buckingham had a special grant of precedence above all the other Dukes, excepting those of the blood royal.

He was slain, fighting for the King, at Northampton, and buried there in the church of the Grey Friars. Pat. 26 Henry 6, p. 2, m. 19.

99. *Simon Montfort*. Pat. 38 Henry 6.

Edward the Fourth.

100. *Edmund*, Duke of Somerset, was knight of the Garter, and several years Regent in Normandy. He married Helen, second daughter of Richard Beauchamp, and he lost his life at Saint Alban's. Pat. 1 Edward 4.

101. *Richard Neville*, Earl of Warwick, was called the stout Earl, and he took an active part in the bloody contest between the houses of York and Lancaster.

The Duke of York first aimed to correct abuses, and this Earl joined him, and he was sent by his party as captain to Calais.

Though Warwick might mean no more at first than to reform abuses, he soon became a violent partizan ; and he brought over from Calais a band of soldiers, with Andrew Trollop, a violent officer, for their commander, when he came to the meeting of the Yorkists, at Ludeford house, in Hertfordshire. In order to deceive the people, he procured certain persons to swear the King was dead ; and, that it might be the more generally believed, he ordered mass to be said on the occasion. Trollop disapproved of such base proceedings ; and he prevailed on several of the soldiers to follow him, and went and communicated the treachery to the King. This unexpected step very much embarrassed the Earl, and it was with difficulty he escaped, and got to Calais.

After the battle of Taunton, the Earl of March was proclaimed King, by the title of Edward the Fourth ; and Neville for his services obtained whatever he asked.

He was called the father of the King ; who continued him captain at Calais, and the governor of the castle of Riseback, lieutenant of the marches there, and governor of the castle of Guienes. He was also governor of the east marches, toward Scotland, lord chamberlain for life, and high steward of England ; and he had plenty of forfeited estates to support his dignity. His income was reckoned at eighty thousand crowns yearly, exclusive of his patrimonial inheritance.

Edward, fearing the power which had raised him to the throne, might be employed against him, endeavoured to keep well with Neville ; but, in the seventh year of his reign, a difference happened, which could not be reconciled. The Earl determined to revenge himself ; and he sent for his two brothers, the Archbishop of York, and the Earl of Montague, and he communicated to them his design of restoring Henry ; and offered such arguments as induced them to join him. They first raised commotions in the north, under a pretence of

arming their dependants; and when they had collected a formidable force, they marched forward, and their first skirmish was at Mount Edgecombe.

The Earl surprized the King in his bed at Wolvey, and carried him prisoner to his Castle in Warwick; and he was removed to Middleham, in Yorkshire, and left under the care of the archbishop; from whom he escaped, and was soon capable of meeting Warwick again in the field. After the battle at Barnet, the Earl was found among the slain. His body was publicly exposed in London, and afterwards interred at the monastic church of Bisham, in Berkshire. Pat. 1 Edward 4, p. 2, m. 20; and 7 Edward 4.

102. *Sir John Scott*, of Scott's Hall, in Kent, was comptroller of the King's household, a member of the privy council, marshal of Calais, and Constable of Dover Castle, during the King's pleasure. Pat. 10 Edward 4.

103. *William Fitzallan*, Earl of Arundel, entertained a high notion of his rank in society, and he contended with the Earl of Devon for precedency, which was determined in his favour. He was justice of all the King's forests south of the Trent. He died in the reign of Henry the Seventh. Pat. 10 Edward 4, m. 9, and 19 Edward 4.

Edward the Fifth.

104. *Richard, Duke of Gloucester*, brother to Edward the Fourth, and afterwards King Richard the Third. Pat. 5 Edward 5.

Richard the Third.

105. *Henry Stafford*, Duke of Buckingham, after the death of Edward the Fifth, was supposed to have sent Pershall, a trusty servant, to offer the Regent his services. and to say he would meet him with a thousand men. They met at Nottingham, and settled their plan. Buckingham was the principal agent in placing the crown on the head of Richard. He had a grant of lands in nineteen different

counties ; and immediately after the coronation, he was advanced to the office of high constable of England, and governor of all the castles, and steward of all the lordships, in the counties of Salop and Hereford, and chief justice of south and north Wales.

Stafford reaped very plentifully, but he was not permitted long to enjoy the harvest. Whether he was smitten with remorse, or whether he discovered any slight or jealousy in the King, he judged it expedient to withdraw himself from court, and he retired into Wales ; but there he was dissatisfied with himself, and his situation. He consulted with Morton, the Bishop of Ely, how to advance Henry, the Earl of Richmond, to the throne ; and to unite the two divided houses of York and Lancaster, by the marriage of that Earl with the eldest daughter of Edward the Fourth. The King discovered something of this plot ; and feeling himself upon the pinnacle of greatness, without any firm foundation, he endeavoured, by letters, messages, and promises, to recover the confidence and attachment of Stafford ; but failing in his attempt, he had recourse to threats, and he offered a thousand pounds to any one, who would deliver him up in his concealment. The Duke, finding himself deserted by the Welch, retired privately to the house of Humphrey Banister, a servant whom he had tenderly treated, and confided in above all other persons ; and he concluded, that he could remain in perfect safety with him. In this he was deceived, for the reward was too great a temptation for Banister to withstand, and he discovered the place of his concealment to the sheriff of Shropshire. Stafford was apprehended in a little grove, not far from his servant's house, and carried to the King, then at Salisbury ; but he refused to pay the reward, and said, that he who could be unfaithful to so good a master, could never be true to any other person.

The Duke, upon his examination, confessed his design, with the hope of obtaining pardon ; but he was, without further trial, beheaded in the Market-place. Pat. 1 Richard 3.

Henry the Seventh.

106. *Sir William Scott*, son of Sir John, was one of the privy council, comptroller of the household, and deputy governor of Calais. Pat. 6 Henry 7.

107. *Henry, Duke of York*, afterwards King Henry the Eighth. Pat. 7 and 10 Henry 7.

108. *Sir Henry Ponings*, knight of the Garter, was considered an able soldier. He first attached himself to the Duke of Buckingham; but finding their plan was discovered, he fled into Brittany, to Henry, Earl of Richmond.

When this Earl obtained the victory and the crown at Bosworth, he appointed Sir Henry one of his privy council, and employed him on the continent as commander of his forces there. He was sent, with fifteen hundred archers, to assist the Dutchess of Savoy, against the Duke of Guilders; and he afterwards had a strong force under his command, to defend Tournay.

He was at his post, in Dover Castle, the twelfth year of the reign of Henry the Eighth, and received the Emperor, Charles the Fifth, on his landing at Dover. He died about two years after this event, by breathing mephitic air. Pat. 20 Henry 7, p. 3, m. 18; and 1 Henry 8, p. 2, m 23, and pat. 12.

Henry the Eighth.

109. *George Neville*, Lord Abergavenny, was one of those who opposed the Cornish rebels, encamped on Blackheath, and he had a considerable share in the victory gained over them.

Henry the Seventh had him imprisoned, under a suspicion of his favouring Edmund de la Pole, Earl of Lincoln; but, on his not finding any proof of his guilt, he was released, and received into greater favour. He was made knight of the Garter; and was present at that memorable interview, between Henry the Eighth and the King of France, near Ardes.

The letter was signed by this lord which was sent to pope Clement, to inform him, that if he did not consent to the divorce of Queen Carine, he would be deprived of his supremacy in England. He died about the year 1536, and was buried in Burling church, in Kent. Pat. 2 Henry 8, p. 2, m. 18.

110. *Arthur Plantagenet*, Viscount Lisle, was the natural son of Edward the Fourth. He was with Lord Howard, in the fleet before Brest, when his ship was lost upon a rock.

The King appointed him lieutenant governor, at Calais; but he soon after suspected, that he was privy to the design of delivering up the garrison to the French, and he was ordered home, and committed to the Tower. On his examination, his innocence was so fully established, that the King ordered his release, sent him a diamond ring, and with it a most gracious message. This occasioned such an agitation of his spirits, that he died the following night.

111. *Sir Edward Guildeford*, of Hamsted Place, was marshal of Calais, at the time of being Constable of Dover Castle. His daughter, and sole heiress, married to John Dudley, Duke of Northumberland, and she was the mother of the famous Dudley, Earl of Leicester and Warwick, and of the unhappy Guildeford Dudley, the husband of Lady Jane Grey. The Dutchess lived to see her husband, and John Earl of Warwick, condemned for high treason. The first was executed the twenty-second day of August, in 1553, and the son died soon after in prison. The sixth son was beheaded with his wife, Lady Jane Grey, in 1554. Pat. 13 Henry 8.

112. *Henry Fitzroy*, Earl of Somerset and Duke of Richmond, was a knight of the Garter, and a natural son of Henry the Eighth. He had both the titles given him the same day, when he was only seven years of age. He was also appointed lieutenant general of all the forces north of the Trent, warden of the marches of Scotland, and then high admiral of England. When he was about twelve years of age, he

had the title of lieutenant of Ireland ; and the King, having no other male issue, paid great attention to him. He died in the seventeenth year of his age, and was buried at Thetford, in Norfolk.

113. *George Boleync*, Viscount Rochford, was the son of Thomas Boleync, Earl of Wiltshire. Anna Boleync, whom the King had privately married, was his sister ; and Henry sent him to the King of France, to acquaint him with the marriage, and to ask in what manner he should publish it, as it could not long remain a secret. He was with the Duke of Norfolk, at the interview between the pope and the French King.

Soon after his return, he lost the confidence of his royal master, and he was committed to the Tower, tried, condemned, and beheaded, and buried there in Saint Peter's chapel. Pat 24 Henry 8, p. 1.

114. *Sir Thomas Cheney*, knight, was constable of the castle of Queenborough ; and he accompanied the King when he met the King of France, near Ardes, and challenged all knights and gentlemen to exercise feats of arms, either on horseback or on foot, who came there, for thirty days. His next preferment was governor of Rochester castle ; and, in the thirty-second year of this reign, the list of his posts of honour and emolument shew, that he was a favourite with the King. He was knight of the Garter ; treasurer of the household ; constable of the castle of Saltwood ; keeper of the mansion of Ostenhanger, with the orchards and gardens ; high steward of the manors of Alington and Chilham, and bailiff of the woods there ; keeper of the parks at Ostenhanger, Alington, Saltwood, and Lyminge, with all the pensions and emoluments usually enjoyed with them, for his natural life.

He died in the year 1539, and was buried at Minster, in the isle of Sheppy. Pat. 32 Henry 8, p. 5.

Queen Mary.

115. *William Brook*, Lord Cobham, upon the death of Queen Mary, entered into the office of Constable of Dover Castle, and held

his court at Beakesbourne; which shews, that the great law court of the Cinque Ports was a moveable one, and might be held in any place within their jurisdiction.

He was one of the commissioners appointed to take a survey of the coast from Hith, up the Thames, to London, and to number the ships, vessels, houses, inhabitants, and mariners, in each place.

In the fourteenth year of the reign of Elizabeth, he was, with other Lords, committed to the Tower, for assenting to the design of the Duke of Norfolk's marrying Mary, the Queen of the Scots; but he obtained his pardon, by communicating to the Queen all he knew of the business; and he was afterwards appointed chamberlain of the household, and knight of the most noble order of the Garter.

He continued Constable of Dover Castle during the greatest part of the long reign of Elizabeth; and in the year 1593, he had a complaint from the Isle of Thanet, that the burning of the fuci was hurtful to the health of the inhabitants, and detrimental to the fishery. As Warden of the Cinque Ports, he issued his precept to stop such a pernicious practice. This is a striking proof how far prejudice and imagination will carry people into absurdity. He ordered in his will to be buried in Cobham church. Pat. 39 Eliz. p. 9, qu. 1.

Queen Elizabeth.

116. *Henry Brook*, was the son of William Brook, Lord Cobham. He was considered as an accomplice with Sir Walter Raleigh, in plotting against the life of the Earl of Essex; and there was a crime of a more serious nature laid to his charge; for he was accused of being concerned with Lord Grey, of Wilton, and Sir Walter, in endeavouring to subvert the religion and government of the country. He was tried at Winchester, and sentence of death was pronounced against him; but he was pardoned by the clemency of King James, with the loss of his estate; and he lived several years in poverty and obscurity. He died in the year 1619. Pat. 43 Elizabeth, and 1 James.

James.

117. *Henry Howard*, Earl of Northampton, was a knight of the Garter, a member of the privy council, and lord privy seal.

In his will, he made honourable mention of his nephew, and said, "To my dearly and entirely beloved nephew, Thomas, Earl of Suffolk, I give my jewel of three stones; one of them being that rubie, which his excellent Majesty sent me out of Scotland, as his first token; which jewel I cannot better repose with any, than with him, who is so faithful and trusty to his Majesty, as my nephew is. I give him also a cross of diamonds, given me by my lady, my mother." He died in the year 1614. Pat. 1 James, p. 6.

118. *Edward, Lord Zouch*, of Harringworth, was one of those who sat in judgment on Mary, Queen of Scots. He went into Scotland, to support the English faction, and his services procured him preferment. He was appointed lieutenant of north and south Wales, and Warden of the Cinque Ports. He was a zealous reformer of abuses; and endeavoured, to the utmost of his power, to have justice faithfully administered, within his jurisdiction. Pat. 13 James, p. 21.

119. *George Villiers*, Duke of Buckingham, was born in the year 1592. At the age of eighteen, he travelled into France, where he remained three years, and returned considerably improved in the accomplishments of that age.

After residing about a year with his mother, he was sent to London, to pay his respects to a daughter of Sir Robert Ashton's, who was chamberlain, and master of the robes, to King James. While he was in town, he became acquainted with Sir John Graham, who dissuaded him from his plan of matrimony, and advised him to woo fortune at the court; for he was considered, by some of the nobility, as a fit person to check the insolence of Somerset, who had offended them. He was introduced to the notice of the King, who took such a liking to him, that he very soon gave proofs of his partiality. The first intima-

tion of the King's favour, was the appointment of cup bearer, and he was admitted in ordinary. On the festival of Saint George he was knighted, and appointed gentleman of the bedchamber, with an annuity of one thousand pounds, out of the court of wards. Titles of honour, and posts of profit, were now heaped upon him by the King. On New-year's day, he was appointed master of the horse, and installed of the noble order of the Garter. He was next created Baron of Whaddon, Viscount Villiers; and, in a few months, Earl of Buckingham, and sworn of his Majesty's privy council.

He attended the King into Scotland; and he stood so high in his favour, that soon after their return, he was created Marquis of Buckingham, lord high admiral of England, chief justice of Eyre, keeper of all the parks and forests south of the Trent, master of the King's Bench office, head steward of Westminster, and constable of Windsor Castle.

In the year 1625, this Marquis, and Prince Charles, attended only by Sir Richard Graham, set off from Newhall, in Essex, with false beards, by the names of John and Thomas Smith, on a secret journey. They passed over the Thames to Gravesend; and, for want of silver, they gave the ferryman a piece of gold, value twenty-two shillings. This liberal gift raised his suspicion, that they were gentlemen in disguise, going to decide a quarrel on the continent, and he acquainted the magistrates of the town with his opinion. Upon the ferryman's information, they issued a warrant to apprehend them at Rochester; but they had passed through that city before their officer arrived. When they came to Canterbury, the mayor stopped them as they were changing horses; saying, that he had a warrant from the council, another from Sir Lewis Lewkner, and a third from Sir Henry Mainwaring, lieutenant governor of Dover Castle.

As matters were growing serious, the Marquis put off his disguise, and said, that as admiral, he was going to take a secret view of the fleet, then preparing in the narrow seas. The mayor then suffered them to pass, and they arrived safe at Dover, where they found Sir Francis

Cottington, and Mr. Porter, who had been sent to provide a vessel to take them to the continent. It being tempestuous weather, they were detained at Dover during the night, but in the morning they sailed for Bolougne, and in two days arrived at Paris. They continued to travel in disguise; but being strangers, they were admitted to court, and they had a view of the Princess Henrietta Maria, and other great personages. From Paris they travelled into Spain; and while they were on their journey, a patent was prepared for the Marquis, appointing him Warden of the Cinque Ports, and steward of Hampton court.

After the death of James, he was sent to Paris, to conduct the Princess Henrietta Maria to England, to be married to King Charles.

Fortune had heaped on Buckingham, while a young man, the choicest of her gifts, but he was not permitted long to enjoy them. Upon a difference breaking out between England and Spain, and afterwards with France, the Duke was sent, with the Earl of Holland, to the States General; and they arrived at the Hague, after losing three of their vessels in a storm. There he purchased several Arabic manuscripts, which he presented to the University of Cambridge.

While the Duke's good fortune depended upon the favour of the King, he went on smoothly, but in his military achievements he failed. His unsuccessful expedition to the isle of Rhea, turned the current of popular fame against him, and the Duke found he must make some further attempt, to silence the clamour of his enemies. While he was waiting at Portsmouth, a young man, by the name of John Felton, a lieutenant in Sir John Ransey's regiment, of a gloomy and melancholy habit, determined on the death of the Duke, for some cause which we never clearly discovered. He bought, in a cutler's shop on Tower-hill, a knife, for which he gave ten-pence, and he had the sheath sewed in his pocket, that he might easily and readily draw out the knife with one hand, as he had hurt the other. With this instrument of death he set off from London; and as he had not money to pay for riding the whole distance, he was obliged to walk part of his way. As there were

many persons petitioning to be employed, he easily passed, with others, into the chamber where the Duke was at breakfast. Felton placed himself in a passage through which the Duke was to pass; and, at the moment he came near him, the assassin stabbed him in the side, and left the knife in the wound, which the Duke drew out himself, and expired immediately in an adjoining room. Felton would not have been discovered, if he had not betrayed himself, by glorying in the action.

Walpole says of Buckingham, "When this extraordinary man, with the figure and genius of Alcibiades, could equally charm the presbyterian Fairfax, and the dissolute Charles; when he alike ridiculed that witty King, and his solemn chancellor; when he plotted the ruin of his country, with a cabal of bad ministers, or, equally unprincipled, supported its cause with bad patriots; one laments, that such parts should have been devoid of even virtue."

The portrait of this Duke has been drawn by masterly hands. Burnet has hewn it out with his rough chisel. Count Hamilton wrought it with that slight delicacy, which finishes, while it seems but a sketch. Dryden caught at the living likeness; Pope completed the historical resemblance; yet the abilities of this lord appear in no part more conspicuous, than, that being exposed by two of the greatest poets, he has exposed one of them ten times more severely. 21 James.

Charles.

120. *Theophilus Howard*, the second Earl of Suffolk, was summoned to the house of peers during the life of his father, and was distinguished by the title of Lord Howard, of Walsden.

Like other favourites, he had his share of titles, and posts of profit. He was governor of the islands of Gurnsey and Jersey, with the title of castle coronet for life. He was installed knight at Windsor, and made captain of the honourable board of pensioners, and lord of the privy council. He died in the year 1640, and was buried at Walsden. Charles, 24 Sept. 1628.

124. *James Stuart*, Duke of Richmond, was lord chamberlain, admiral of Scotland, lord high steward of his Majesty's household, Warden of the Cinque Ports, and knight of the Garter. He died in the year 1655, and was buried on the south side of Henry the Seventh's chapel. Charles, 1640.

122. *Robert, Lord Rich*, Earl of Warwick, was raised to this dignity by King James; but as he was not descended from the ancient Earls, he did not enjoy any of their estates.

The castle at Warwick, the park at Wedgenorth, the garden, and all the dependencies of the old Earls, were granted to Sir Fulke Greville, afterwards Lord Brook, but they have since been remitted to the title. Charles, 1648.

Interregnum.

123. *John Deshborough*, esquire, one of the protector's lords, and his brother in law. He was descended from a reputable family, and was bred an attorney; and he practiced in his profession, while he cultivated a small paternal estate of seventy pounds a year.

In the beginning of the civil wars, he quitted his peaceable abode, with the flattering hopes of acquiring rank and honour in the field. His expectations were soon realized; for he received the thanks of the house of commons, and one hundred pounds, for his gallant behaviour at Woodstock. This was followed by a colonel's commission of a regiment of horse; and he was soon raised to the rank of major general. It is probable, that when he first took up arms against the King, he did not mean to proceed any further, than to correct abuses; for when he was named in the commission to try the King, he refused to act. In his civil station, as governor of Yarmouth, he acted with prudence and moderation, and he gave general satisfaction. As surveyor of the fortifications to the westward, he was active and diligent; and he had them put in a state of defence, from Weymouth to Pendennis Castle.

After the battle of Worcester, the King deceived Deshborough, near Salisbury, by riding, disguised as a servant, before a female relation of colonel Windham's.

Whatever Deshborough's principles might be when he quitted his farm, and his profession, he soon became a rigid republican; and though nearly allied to Cromwell, and courted and flattered by him, yet he was as great an enemy to the title of protector, as to that of King; and it was by his procuring a petition from the army, against having a King, that Oliver reluctantly declined assuming the title.

Though Deshborough would not adopt all the protector's measures, he was ready to accept any honourable and lucrative employment. In the year 1653, he was of the privy council, and soon after of the Scotch council. He was also named in a commission, with Blake and Montague, to superintend naval affairs. He was visitor of the University of Cambridge, and major general of the counties of Wilts, Dorset, Somerset, Devon, and Cornwall.

Richard Cromwell appointed him of his council, and chancellor of Ireland; hoping to attach him to his interest; but he who reluctantly submitted to Oliver, could not stoop to be subservient to a person of very inferior abilities.

Deshborough was much more feared than loved by the reformed parliament; and when they gave him a colonel's commission, they distrusted his fidelity. He had a large portion of pride, avarice, and ambition; and, if he had judgment to execute orders, his abilities were not equal to the leading of a party. His address was not formed to gain him respect; for, Granger says, "he was clownish in his manner, and boisterous in his behaviour."

There is but little known of the concluding scene of his life, but he suffered a reverse of fortune.

124. *Charles Fleetwood*, was one of those gentlemen who quitted the inns of court, for the life of a soldier, which, at that time, seemed to be a direct path to a speedy promotion. He was first in a troop of horse, and he was very soon advanced to the rank of colonel. Being bred to the law, he was named by the parliament in a commission, in the year 1647, to treat with the King. Cromwell was desirous of at-

taching him to his interest, and he raised him to the rank of lieutenant general, and appointed him a member of his council.

He particularly distinguished himself at the battle of Worcester; and as he was a brave soldier, and had numerous relations, the protector concluded, that he might secure him and his party, by offering him his daughter-in-law in marriage.

This alliance paved the way to further preferment; for he was appointed, in the year 1652, commander in chief of all the forces in Ireland. By his prudent conduct, he prevailed on the Irish to proclaim his father-in-law protector; which was so pleasing to Cromwell, that he declared him his lord deputy.

As he would not listen to any proposal for proclaiming the protector King; and there were many persons disaffected to Cromwell in Ireland, he was removed from his station with the title of lord, and appointed to preside over the counties of Norfolk, Suffolk, Cambridge, Huntingdon, Oxford, Bucks, and Hertford. He was kept from revolting with the distant hopes of the protectorship; and though he consented to Richard's taking the reins of government, it was, that he might govern him.

He was more feared than loved by the parliament; and as the army was very much attached to him, he inclined to a military government, that he might be at the head of it.

While he was maturing his plans, the people were growing weary of the unsettled state of things. If he had been capable of judging accurately of the state of the public mind, and had declared in time for the re-establishment of the old government, he might have avoided the imprisonment of his person, and the confiscation of his property. He lived but a short time after the rising at Stoke Newington.

Fleetwood's influence with his army of fanatics, was owing much more to his gift of praying, than to his military talents; and he considered his plan much more efficacious in opposing an enemy, than in trusting to carnal weapons, and an arm of flesh.

125. *John Lambert*, was descended from Lambert, of Colton-hall, in the west riding of Yorkshire; and he was a distinguished character in the unnatural contest between the King and the parliament, on the principles of prerogative and freedom.

He married Frances, daughter of Sir William Leicester, of Thornhill, a very accomplished lady. If Lambert ever studied the law, he never followed it as a profession; for in the twenty-third year of his age, he was engaged with his neighbours in petitioning for a redress of grievances. In a very little time he was a captain in the army, and soon raised to the rank of colonel; and, by his courage and conduct, he gained the confidence of his men. He was engaged in most of the principal actions between the King's troops and the parliament forces, in the northern counties, and he was one of the leading men in drawing a sketch of a negociation for peace. Though Lambert was an active person for reforming abuses, he would not take any part either in the trial or the execution of the King.

Upon reading a letter from Lambert, dated Nottingham, March 23, it appears, the parliament voted, "that three hundred pounds a year, lands of inheritance, out of the demesnes of Pomfret, should be settled upon major general Lambert, and his heirs, for ever; in respect of the many great and eminent services, performed with care, courage, and fidelity, by the said major general, in the northern parts; as well against the Scots' army last summer, as against the forces of Sir Marmaduke Langdale, and otherwise; and in reducing the castle of Pomfret, being the last garrison in England held out against the parliament; and in respect of his extraordinary charges therein, he not having been allowed any pay as major general."

Ordered, "that this vote be sent with a letter of thanks from this house."

In the skirmish which happened near Marlborough, his horse was shot in the neck, and he was run through the arm with a lance, and

wounded in the body. He was taken prisoner, but he was rescued by the gallantry of his men. In the battle at Worcester, he fought side by side with his friend Cromwell; and after he had entirely defeated the Scottish army, it was again resolved, "that lands of inheritance in Scotland, to the yearly value of one thousand pounds sterling, be settled upon major general Lambert, and his heirs, for his great and eminent services for this commonwealth."

While Lambert was employed in Scotland, in the year 1653, he was ordered by the parliament to repair to London; and being appointed lord deputy of Ireland, he found the appointment so much fettered, either by the intrigues of Cromwell or Ludlow, that he refused to accept it.

He was an active man in his civil capacity, and was one of the sixty who voted for an hereditary protector, but there were two hundred for an elective one.

He steadily opposed the offering the royal title to Cromwell, and for this he considered him as his professed enemy, and he soon deprived him of his employments.

After the reins of government dropped from the hands of Richard Cromwell, and every thing seemed tending to confusion, the old loyalists assembled in Cheshire, and Lambert was appointed to take the command, and go against them. He used such dispatch, that he was within a day's march of them, when they thought he could not be half way. Before they came to an action, they endeavoured to corrupt his principles, and, by his wife, they promised whatever terms he demanded, if he would be the instrument of bringing back the King. This he refused; and, at the restoration of the King, he was excluded from the benefit of those royal assurances about a general pardon. Notwithstanding his manly deportment at his trial, and the petitions from both houses to the King, he was sentenced to perpetual banishment, and confiscation.

By an extract of a letter from a gentleman in the isle of Gurnsey, it appears, that Lambert was sent there a prisoner, to a fortress called Castle Cornet, situated on a rock near the port. He was permitted sometimes to go on the island, when he spent his time in collecting plants. He had a great taste and talent for botany, and knew the virtues of medicinal herbs. He was looked upon as a great physician by the people, who constantly resorted to the castle, to consult him on every disorder they were afflicted with; for, at that time, there were neither physician nor surgeon on the island.

Lambert's head is in Houbraken's set.

126. *Algernon Sydney*, the great champion for liberty; though he took such an active part in opposing the oppressive measures of the royalists, yet an attempt has been made to shake the purity of his intentions. Dalrymple says, that he discovered in Barillon's papers, that he had bribed with a sum of money, twenty-one persons in the English parliament, to act agreeably to his sovereign's wishes.

Nine of the twenty-one persons mentioned in Barillon's list, were not in parliament at the time, and Sydney was one of the number. This circumstance must have been known to the French ambassador; but he was wishing to make his court believe, that he had attached Sydney to his party, and he might think the chance of his master's detecting the falsehood worth risking.

He was known to the French King by a very particular circumstance. Sydney had a horse, which he wished to purchase, and he probably would have treated with the owner of it. When Sydney was made acquainted with the wishes of the French monarch, he shot his horse, saying, "his horse came into the world a free creature, and had served a free man; and that he never should be crossed by a King of slaves." This act seems to mark the character of Sydney; and to shew what a high sense he had of civil liberty, and how much he detested tyranny. It can hardly be supposed, that he would have been

the pensioner of an arbitrary King, when he would not suffer his horse to be rode by him.

127. *Robert Blake*, was the son of a merchant at Bridgwater, who after an usual school education, was sent to Oxford^d, where he took a bachelor's degree.

The puritans were so much pleased with his opposing the severity of the discipline pursued by Archbishop Laud, that they elected him representative in parliament for his own native place. At the breaking out of the civil war, he declared for the parliament, and he distinguished himself at the siege of Bristol, and other places in the west; but he was one of those who would not go all lengths, for he opposed trying the King.

After the death of the unfortunate Charles, he was appointed to the command of the fleet. The first thing he did, in this new station, was to block up Prince Rupert in Kinsale harbour. The Prince escaped from Blake, with the loss of three ships, and sailed to Lisbon, and Blake followed him. The King of Portugal was inclined to shew the Prince protection; and Blake, in return, took a large fleet of his ships, richly laden, from the Brazils. This capture alarmed the King, and it was judged expedient for the Prince to quit the Tagus, and he sailed for Malaga; but Blake came up with him, and took and destroyed his fleet, excepting two ships. For this service he received the thanks of the parliament, and was appointed Warden of the Cinque Ports.

In the year 1652, he reduced the islands of Gurnsey and Jersey, which had, until then, held out for the King.

In the following year, hostilities commenced between England and Holland; and Blake, in sailing towards the north, discovered seven sail of their merchant ships, and two men of war, which he took. This capture was followed by another, consisting of one hundred fishing vessels; and he met with twelve sail of armed vessels, three of which he sunk, and took the rest. Blake fought the Dutch admirals

Van Tromp, De Ruyter, and De Witts; and in an engagement in the Channel, near Dover, he at last entirely defeated them.

His name was equally terrible to the Spaniards; for he insulted them in their harbours, and took a fleet of their merchant ships at Santa Cruz.

All the piratical states in the Mediterranean stood in awe of him; and the Dey of Tunis had the mortification to see his castles destroyed, and his fleet burnt in his harbours, for refusing his request.

He was the first seaman who presumed to lay a ship before a castle to bombard it. It was late in life before he went to sea; and he is a singular instance of how much a person may learn, in a little time, of naval tactics.

Blake being nearly worn out with hard service, his constitution yielded to the scurvy and a dropsy; and he died on board the *Saint George*, as he was entering Plymouth Sound.

He was, by the order of the Protector, buried in Henry the Seventh's Chapel; but his remains were not suffered to rest there; for, after the restoration, they were removed, by order of the King, to Saint Margaret's church yard, Westminster.

Charles the Second.

128. *James, Duke of York*, afterwards James the Second. 1660.

129. *George Finch*, Earl of Winchelsea, was intimately acquainted with general Monk. When James the Second was detained at Feversham, he sent for this earl to advise with him; and the counsel he gave was, for the King to return to London; but when he had quitted the kingdom, he voted for bringing over William the Third.

He was sent as ambassador to Constantinople; and as he was returning home he visited the isle of Sicily, and he was witness to a terrible eruption of Mount *Ætna*; and he sent an account of it to the King, which was afterwards published in a thin quarto. Charles 2.

130. *Henry, Lord Sidney*, Baron of Milton, in the Isle of Sheppy, was created Earl of Romney, in the year 1694. He was under master general of the ordnance, and died in 1702.

William the Third.

131. Colonel *John Beaumont*, was one of those, who suffered the loss of his estate for his father's loyalty to Charles the Second. He attended the King in his exile; and for his steady attachment, James the Second rewarded him with several honourable stations.

When the religion and the liberty of his country were in danger, he behaved as a friend to both. Being commanded to take the Irish papists into his regiment at Portsmouth, he refused to obey the order, for which he was sent to prison. He joined the Prince of Orange upon landing; and after his coronation, he was made governor of Dover Castle, and colonel of his regiment; and he served the King faithfully for many years. He died in the year 1701.

Queen Anne.

132. *George, Prince of Denmark*, the Queen's husband.

133. *Lionel Cranfield*, the seventh Earl, and the first Duke, of Dorset, was sent, in the year 1706, with Lord Halifax, to Hanover, to present the act of parliament to the elector, for the better securing the succession to the crown in the protestant line.

He resigned the office of Warden of the Cinque Ports at the death of Queen Anne, and he was sent again to Hanover, to congratulate George the First on his accession to the throne. When they arrived in England, he was appointed first gentleman of the bedchamber, before they left the yacht. Being sworn of the council, he was reinstated in his office in the Cinque Ports. He was also installed of the noble order of the Garter; and, at the King's coronation, he carried the sceptre and the cross.

Before the death of George the First, he was *custos rotulorum* of the county of Kent, steward of the household, and one of the justices during the King's pleasure.

At the coronation of George the Second he was high steward of England, and he carried Saint Edward's crown in the procession at that solemn ceremony.

He resigned his office as steward of the household, for the viceroyship of Ireland, and he was received at Dublin with loud acclamations of the people.

He seemed always to have continued a favourite, and to have bartered for posts of honour and profit at his pleasure; but in the seventy-ninth year of his age, in the year 1765, he was compelled to lay down every thing; for he then died, and was buried at Withiam. *Queen Anne*; *George the First*, 1714; *George the Second*, 1728, and 1757.

134. *James*, the second *Duke of Ormond*, was attainted by parliament, and his estates were seized by the crown. He went to France in the year 1718, where he died. His brother procured an act of parliament to purchase his forfeited lands.

George the Third.

135. *Robert, Lord D'Arcy*, the fourth Earl of Holderness, between the years 1740, and 1743, was appointed lord lieutenant of the north riding of Yorkshire, and one of the lords of the bedchamber; and he was in the army with the King at the battle of Dettingen.

His lordship was afterwards sent ambassador to Venice, and plenipotentiary to the Hague; and when the Duke of Newcastle resigned the seals, he was appointed for the northern department. He departed this life in May, 1778. 5 *George 3*, October, 1765.

136. *Frederick, Lord North*, afterwards Earl of Guilford, was representative in parliament for Banbury four times; and, in the year 1759, he was declared one of the commissioners of the treasury. For-

tune poured down several of her gifts into his cup ; for he was appointed a joint receiver and paymaster of the forces, was sworn of the privy council, and made chancellor of the exchequer, first commissioner and lord of the treasury, ranger and warden of Bushy park, and he was unanimously elected chancellor of the University of Oxford.

At a chapter of the Garter, his lordship was installed one of the knights ; and he was commonly appealed to in the house of commons, by the title of the noble lord in the blue ribbon. In his situation as chancellor of the exchequer, he suffered many disappointments, in finding his endeavours to subjugate America all frustrated. It might have been happy for this nation, if his successors had learned, from his miscarriages, not to have refused advantageous terms when offered them ; but courtiers too often neglect the lessons of sound wisdom to be gathered from past errors, and they wait until necessity points out the impracticability of pursuing their follies any further. 18 Geo. 3.

137. *William Pitt*, was the youngest son of the great Earl of Chatham. For nearly half his life he was the prime minister of this country. The occurrences which happened during his administration are well known ; and there is no doubt but some future historian, in recording the transactions of his ministry, will do him ample justice.

138. *Lord Hawkesbury*, now Earl of Liverpool, first lord commissioner of the treasury, commissioner for the affairs of India, a governor of the Charter House, and the present Constable of Dover Castle, and Lord Warden of the Cinque Ports.

THE CUSTOMALS.

Vol. II.

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The copies of the Customals of Dover, Sandwich, Romney, Rye, and Winchelsea, are all that are known to have been preserved to our own time.

It is generally believed, that the Customal of Hastings was destroyed during the last century; after it was determined, by the court of King's Bench, to be good evidence for obtaining the freedom of the town.*

The Customal of Hithe has probably perished in the custody of those who ought to have carefully preserved it.

Roger Mortimer, Constable of Dover Castle, in the reign of Edward the Third, ordered each of the Mayors of the Cinque Ports, and their two ancient Towns, to deliver into his Castle, at Dover, copies of all their ancient Customs and Usages, which they had enjoyed from their first enfranchisement; that in case of any appeal to him for erroneous judgment, in any of the Mayors' Courts, he, as Judge of his Court at Shepway, might have a guide to regulate his own decisions.

It was a rule with the Barons of the Cinque Ports, that their ancient Customs were not to give place to new Statutes, nor new Laws; and as their Customals were once considered by them of so much importance, they are now, for the first time, made public. The same orthography is generally preserved as in the documents from whence these copies were taken.

I shall leave it to the lawyers to determine, how far the innovations, and the encroachments of individuals, in exempt jurisdictions, pretending to act under a prescription, will supercede the common law of the land.

* See Strange's Reports, 1070.

THE CUSTOMAL
OF THE
TOWN AND PORT OF DOVER,

AS HEREAFTER SHEWETH.

*The Usages of the Town and Port of Dover, which they claim, by
Prescription, Time out of Mind.*

1. Chusing of Mayor.

They use and claim of prescription, and of old time used to chuse the mayor every year, on the feast of the Nativity of Our Lady ; and then the common horn shall be sounded, in fourteen diverse places in the town, for the common assembly, in the church of Saint Peter ; and that there shall be brought the common box, the seal, and other muniments.

2. The Mayor's Oath.

And the mayor that was, as soon as he hath resigned his office, shall charge the next mayor when he is chosen ; and his charge shall be, That he shall be true and lawful to the King of England, and to his heirs, and rightfully shall maintain the franchises and liberties of the town, and rich and poor may right. So God him help, and all holy saints ; and so he kiss the book. The jurats shall swear the same oath.

3. No Jurat to be put in Election.

And if the mayor chosen be not present, the old may not be discharged. And if the mayor so chosen be not there to take the charge, the mayor that was shall not be discharged, till the new mayor be charged ; and it is to be understood, that there shall be no jurat in the election.

4. The Common Assembly chusing a Mayor incapable of serving the Office.

And if it be that the common house chuse a mayor that be not able nor sufficient, then the jurats shall not execute him; but they shall compel them to chuse another that is able.

5. Penalty for refusing the Office.

And if the mayor chosen be present, and refuse to take his charge, all the commons, wholly, may draw down his chief messuage.

6. Penalty on Jurats refusing.

And if any jurat be chosen by the mayor, and so refuse, he shall have the same pain. And one of the keys of the common box shall remain with the mayor, and two other keys shall be delivered unto two most sufficient jurats.

7. Of the Death of the Mayor, and the chusing of Officers.

And if the mayor die before the feast, the jurats shall do sound the common horn, for the common assembly to chuse another mayor, to do all offices untill the feast be come.

And now the mayor in his office. The common clerk, and the sergeant, shall take their leave, and the mayor, jurats, and commonalty, shall chuse a clerk and sergeant, and officers, and charge them; and then shall the common seal, and other muniments, be borne to the mayor's house.

8. Receiving and swearing the Bailiff.

Also there shall a bailiff be commissioned, under the great seal of the King; the which bailiff shall have a writ of attendance afore the mayor and jurats, the which patent, or commission, or writ, shall be plainly read, and expounded. He then shall be charged upon a book, in the same manner as the mayor was; and then he shall chuse his sub-bailiff, such a one as he will answer for; and though the bailiff bring a commission, yet if he be not under a writ of attendance, he

shall not be received ; and though he have both, and refuse to be sworn, he shall not be received.

9. Of the Death of the Bailiff.

If the bailiff die, the mayor and jurats shall have wholly the government of the town, and execution, except plea royal, till the King hath ordered another bailiff.

10. Of holding Pleas.

Also they claim, that the mayor, bailiff, and jurats, may hold pleas, real and personal, out-taking certain points that belongeth to the court of Shipway, which court followeth after ; and the mayor and jurats shall give all judgment and award ; but, if so be, that he who is mayor be appealed, or indicted for felony, then, by the plea or indictment, be he distrained of his office ; and the jurats shall do make the common assembly, as is said before ; and one jurat shall be chosen mayor, until the day of election.

11. Of the Office of Bailiff.

Also they claim, that the bailiff shall receive all manner of appeals, and all manner of complaints, as well of portsmen as strangers ; he shall do execution of every plaint after its nature ; and he shall take all manner of fines, issues, and amerciments, of him that forfeiteth them to the King ; but there shall be no freeman amerced, without the consent of the mayor and jurats. If the bailiff be appealed, or indicted, for felony, the mayor shall receive appeal, and have the ward of the prison, untill the King have ordered another bailiff.

12. The Coroner's Office.

Also, if a man be found dead within the franchise, by sudden adventure, or by deed of any person, on land or sea, the mayor, as coroner, shall have sight of the body ; and the bailiff, by warning from the mayor, shall summons a countie, of which the mayor shall take an inquest of the dead ; and if any man or woman be indicted of the dead, they shall be delivered unto the bailiff to make attachment ;

and he shall dwell in prison, in ward of the bailiff, within the franchise, untill it be ordained a hundred by the mayor and the bailiff; at the which hundred the indicted shall be brought in, and the indictment shall be read before him; and, after proclamation made, the plaint shall be made by the mayor and bailiff, for some person to come to pursue; and if no person do come, the said bailiff in form of appeal against him that is indicted, and he shall return to the place he was before, till proclamation be made in the same form in two hundreds after; and it is to be understood, that no hundred shall be holden, unless there be fifteen days between; and if none come at the third hundred to pursue, then shall he that be indicted be arraigned by the bailiff of the same felony. And if he offer to acquit himself, according to the franchise and usage of the port, it shall be commanded to him to have a certain hundred; and there shall be assigned to him 36 men, of lawfull condition, and good name, to swear with him that he is not guilty. And when he is come to the hundred, he shall be arraigned by the mayor of the same his acquittance. There shall be written, and put into the mayor's hand, all the names of the thirty-six men that shall acquit him, and the mayor shall do them read, by the common clerk, or by the sergeant of the bailiff; and if any that be written be in fault, or answer not when he is called in the King's name, the bailiff may pardon 12, and the mayor and jurats other 12; and then the other 12 shall swear upon a book with the prisoner, and he shall be the first that shall swear, that he is not guilty. The 12 men, each of them by themselves, shall do the same oath; and if any of the 12 feign, or alledge any condition to swear, the prisoner shall be dead. And if they do their oath readily, without any condition, he shall be delivered by judgment of the mayor. And in case that any come to do the pursuit against the indicted, when proclamation is made at the first or the second hundred, then shall the indicted be arraigned; and if he will acquit, then shall he be charged to have the aforesaid acquittance. And it is to wit, that no indictment of felony shall be taken, but by one body present.

But if there be any stranger or portsmen will take appeal to the bailiff, in due form, be it for murder or robbery, he shall receive his appeal, and execution shall be done as is aforesaid of the indicted; and acquittance shall be for stranger and for freeman.

There shall no appeal be received by the bailiff, unless the plaintiff find four mainpernors, sufficient to make the pursuit; and if the appellor be nonsuited, he shall be awarded to prison, or his mainpernors, if he may not be found in time, and fine shall be made to the King, and agreement with the party; and he who is awarded shall go quiet.

13. *Proceedings in an Appeal of Felony.*

Also, when any man shall be indicted or appealed of felony, the bailiff shall sequester all his goods and chattels within the franchise, and keep them safely, till the felon be either acquitted or attainted; and if he be acquitted, then they shall be delivered to him again. If he be attainted, then he shall keep them to the King's use; and though he be acquitted, yet he may be attaint upon withdrawing the hand, and so his chattels shall be forfeited.

14. *Of Sanctuary.*

And if any fly to the church, claiming the franchise thereof, the mayor, as coroner, shall go to him, and inquire the cause of his being there; and if he confess any felony, anon it must be entered on record, and all his chattels shall be forfeited to the King; and he shall dwell there forty days, if he will; and at the end, he shall make abjuration at the church door, before the mayor, and he shall chuse his port to pass from, and if he will make his abjuration before the forty days, it shall be received. He shall then take a cross, and proclamation shall be made, that no man touch him, nor grieve him, upon the pain of forfeiting all they may forfeit.

The felon was to keep the high way to the port, under the pain of losing his life. If he went out of the way, he forfeited his tenements to the King, for the holding a year and a day, without waste; and

after the year and a day, then to the lord of the fee, if any; but when a felon suffers death, the King shall have all the profit of his lands and tenements a year and a day, and then they shall be delivered to the heir in gavelkind.

15. *A Felon flying out of the Franchise.*

And if any stranger or freeman fly out of the franchise, for felony done in the franchise, the mayor shall send for him, in whatever place he be without the franchise, except holy church; and the lord, or his minister, shall safely send him into the franchise. And also, all they that suffer death, shall be led to a cliff, called Sharpness; and if he be attaint at the suit of the party, the appellor shall put him to execution; and if he be attaint of the King, the bailiff shall do it.

16. *Holding a Hundred.*

Also they claim, that the mayor, bailiff, and jurats, may hold hundreds, for all pleas real, in whatever place they will within the franchise, and in what time of the year that it be out-taken, if they be summoned for the King's service, before the Nativity of Our Lady, and the feast of Saint Andrew, in which time there shall be no hundred, but for the deliverance of a felon.

17. *Of Novel Disseisin.*

And if plaint be made to the bailiff of novel disseisin, and sheweth to find surety to pursue, the mayor and bailiff shall ordain a hundred, and the bailiff shall warn the defendant, three days before it shall be holden, to answer to the party; at which day he shall have no delay, but shall plead with the party. And if it be pleaded to an issue, the mayor shall charge the bailiff to summons a countie, at another hundred that shall be assigned, of the most sufficient persons thereabout, the tenement or rent to certify to the bailiff. If they that be returned by the bailiff come not, then they shall be distrained to come to another hundred that shall be assigned, and the day fixed for the parties; at which day, if the inquest appear and come, then the parties may

have their challenge, and then the mayor shall charge them, as the plea is pleaded. If it pass with the plaintiff, he shall recover with cost and damage, by judgment of the mayor after the verdict; or else the defendant shall go his way.

And in case the defendant come not at the first hundred, when the bailiff returneth that he was warned by the officer, he shall be taken by default, and he shall lose his challenge in that plea; and if disseisin be found by force and arms, the disseisor shall be put to prison, till he make fine with the King.

18. *Assise of Mort d'Ancestor.*

Also they claim, that the defendant may have one essoin, and the assise shall be taken by his default; and if he come, he may have his delays and his vouchers, as in any other plea of lands, when the plaint is made to the bailiff, and surety found to pursue. The mayor and bailiff shall assign a hundred as it is aforesaid, and the bailiff shall summons the defendant three days before, to answer to the party; at which day, if he come not, he shall be distrained within and without his house, till he come to answer; and when he come, he may plead with the party, and have his delays and his vouchers, as his case is. And when the pleading comes to an issue, the bailiff summons the inquest as is aforesaid; and then, as the inquest passeth, so shall the mayor give judgment. And the bailiff shall so keep the inquest, while they be about the verdict. And it is to wit, that in no plea shall there be battle or grand assise holden in the same port.

19. *Of false Judgment.*

Also, if any man maketh any suggestion to the warden, that the mayor, jurats, and bailiff, hath done him any wrong, be it in plea real or personal, the warden shall send his writ unto the mayor, jurats, and bailiff, to do right unto the parties; and if the mayor and bailiff do it not unto them, at the commandment of the warden, then the warden be may send a second and third time; and then the warden may send

Vol. ii. M m

his lieutenant, or else come himself, and enter into the franchise, and do right unto the party, as the usage of the port is.

20. *Recognizance of a Femme Covert.*

Also they claim, that the mayor and jurats may have recognizance of a woman covert de baron, upon alienation of their right; viz. that if the husband and the wife will alienate any lands or tenements within the franchises, where the wife hath any estate, be it of heritage or of purchase, the wife shall come before them, and shall be sole examined, in the absence of her husband; and if it be her free will, without the compelling of her husband, if she freely consent, the recognizance shall be entered, and indented by the common clerk; and the first part shall be delivered unto the purchaser, and the other part with the mayor, as a record to put into the treasury; and the woman and her heirs, shall be barred of action for ever by the record. And, for the entry, the common clerk shall have six-pence.

21. *A Tenement sold to be challenged.*

Also they claim, that if any man or woman be willing to sell their heritage within the franchise, the most next of his heirs shall have it before another; and though the sale be made unto a stranger, if any man or woman be of kin, come into the court so soon as he or she shall have knowledge of the sale, and claim the bargain, they shall have it, by the award of the mayor and jurats, in less price by every pound twelve-pence, and the seller shall make up the deficiency to the first purchaser.

22. *Dower.*

Also they claim, that the husband shall hold after the death of his wife, during the term of his life, the heritage, or the purchase of his wife to their issue between them. And the wife shall hold her dower after the death of her husband; the heritage or purchase of her husband, while she keeps herself sole; but as soon as she is married to another man, she shall lose all her profit thereof, and it shall turn to the next heir, or to the executor in gavelkind.

23. *Distress for Rent.*

Also they claim, that all lands and tenements, that be partable among heirs male as in gavelkind; and also if any man have rents owing out of any tenement within the franchise, and the rent be behind by a whole year, and the tenement be not occupied, so that distress be not sufficient for the rent, that may be found within the said tenement, he that claimeth the rent, may make his complaint to the mayor and bailiff; and if he may prove it by four sufficient men, the mayor, bailiff, and jurats, shall send the common clerk and sergeant to the same tenement, there to cry openly, that he who is the tenant of the same tenement to come and pay the arrears, within a year and a day after the cry made, upon pain of forfeiting the said tenement for ever. Before the same tenement they shall drive a stake, in the sight of the neighbours, in warning of the tenant, and the day shall be recorded, and entered into the register; and if the tenant come not within a year and a day next after, to pay the rent, with all the arrears, then the same man that claimeth the rent, may come before the mayor again, and pray him that the stake may be pulled up, and for him to have possession, and his heirs, for evermore, by usage of the town. And then the mayor, bailiff, and jurats, shall send again the common clerk to the same tenement, to pull up the said stake, and to put him in full possession; and this execution may be had against tenants for life, tenants in coverture, tenants within age, and tenants in fee simple, and in full age. He who recovereth, shall pay to the common clerk, for his fee, four-pence, and to the sergeant two-pence; and such fees shall they have of all seizures done within the franchise. And if any man with-say any rent that is due within the franchise, and after that it is found that the same is due, he that would have the same rent, shall recover the same tenement, where the rent is going out, for evermore.

24. *Of Waste and Strepe.*

Also they claim, that if any rent be going out of any tenement within the franchise, and he that is tenant of the tenement be about to

waste, or strepe, he to whom the rent is due may come before the mayor, bailiff, and jurats, and shew that the waste will be to his disinheretance; and it may be proved, that the ground of the same tenement be not sufficient for the rent, in case that the waste be made thereupon; the mayor, bailiff, and jurats, shall defend the tenement, that he do no waste, or estrepement, in any wise.

25. *The Mayor Guardian of Orphans.*

They claim, that the mayor shall have wholly the disposition of orphans, viz. when any man dieth, and hath a child or children within age, anon the mayor and the jurats shall see the tenement, and quantity of the chattels, belonging to the children aforesaid; and if any be of the blood, to whom the heritage may not descend, that be sufficient to answer to the child or children at their full age, the mayor shall deliver him the ward, with the tenement and chattels; and there shall be made indenture between the mayor and the said ward; and the one shall rest with the mayor, in the common house, and the other part with the guardian; and the part which shall be to the mayor, shall be delivered to the child or children when they come of age. And if there be none sufficient of the next of kin, then the mayor shall deliver the ward to another sufficient person, by such indenture as aforesaid. It is to wit, that if the profit of the tenement shall pass the expences of the children, by the sight of the mayor the guardian shall answer for the remainder, with the chattels, when they come of age. And if the profit of the tenement will not suffice for their sustenance, then they shall be kept by the profits of their chattels, by the discretion of the mayor. And if they be female that have no heritage or portion, they shall be sustained with the profits of the tenement with their brethren, if the profits of the tenement will suffice. And there shall no guardian marry any child within age, without the consent of the mayor, and the next friend of the child. And the mayor may always oversee them when he seeth need, and at the least every year once. And if he find them not sufficiently maintained, he may de-

liver the ward to another, in form aforesaid. And the first guardian shall answer to the payment in his time. And if there be tencement, or ship of the children's, that be so feeble, that they may not be mended without great cost and mischief to the children, the mayor may put them to sale, to them who will give the most for them, and may reserve the money to support the children as aforesaid; and the sale is good, without any replevin afterwards.

26. Of Persons dying intestate.

Also they claim of them who die intestate, within the franchise, that the mayor shall sequester all the chattels, and he shall dispose of them for the dead, and for the living, as the ordinary. And of all them that make wills, and die, the testament shall be proved before the commissary of the archbishop; and when it is proved, or the administration delivered to the executor, neither the archbishop, nor his commissary, shall have any thing more to do with them. And the mayor shall do them come to him, and the jurats, when he seemeth time; and he may make, and charge them to make, lawful inventory, and lawful accounts; and after the account is made, the mayor may make lawful acquittance, under the seal of his office; and this rule hath been used peaceably, without any interruption, from the first foundation of Dover.

27. Of cutting a Purse.

Also they do claim, that if there be a cutpurse, or private picker, that be taken with the money, within the franchise, anon he shall be led before the mayor, bailiff, and jurats; and if he may not excuse himself reasonably of the misdeed, though there be no suit against him, the mayor and bailiff shall set him before the sergeant on the pillory, and all the people that will come there may do him villany, and after that, they may cut off his ear, and lead him to the furthest part of the franchise, and then he shall forswear the town, and the said franchise; and if he come again at any time, they may, by the same usage, cut off the other ear.

28. Of holding Courts.

Also they claim to hold courts, from eight days to eight days, viz. upon the Friday; and in this court they used to determine all manner of pleas of trespass, debt, and covenant. From the beginning of the harvest until Michaelmas, they used to hold court upon Sunday; also, from the Friday next before Christmas, until Saint Hillary be passed; and from the time that the Passion be entered, until fifteen days of Easter be passed, they used to hold no court, but for the deliverance of strangers.

29. Plea of Trespass.

And if any plaint of trespass be made to the bailiff, by a freeman upon a freeman, the bailiff shall put him upon pledges to be at the next court; and if he will not find pledges, he shall go to prison till he find them. And if he come not at the next court, the pledges shall be amerced, and he shall be awarded, at four pledges, to be at the next court; and if he come not, his pledges shall be amerced double, and he shall be distrained by all that he may have within and without the franchise; but if he appear, he shall lose issue, by the discretion of the mayor and jurats. Also, if he appear, and may not mis-say the trespass, the damage shall be taxed by the mayor and jurats. And if he mis-say, and make any justification, and thereupon descend to an inquest, the plea shall be entered, and the mayor shall charge the bailiff to come an inquest, to come to the next court; and if the inquest tarry, and come not, then the same process shall be made against him as aforesaid, in plea of land. And when the inquest appear, and be charged unto the plea, as they pass, the judgment shall be given.

30. Of Bloodshed.

Also, in case a plaint be made of maim, or bloodshed, or ham-soken, the defendant shall be awarded to prison, till he find pledges, if he can, to answer the party; and if he come not at the first court,

he and his pledges shall be amerced, and the mayor may command, that the defendant and his pledges be ratified, and that they be not delivered without sufficient sureties, to answer to the party at the next court.

He that is attaind of mayhem, or hamsoken, shall go to prison; till he agrees with the party, and pays his fine to the King; but for bloodshed, a man shall be only amerced, after the discretion of the mayor and jurats, and bailiff; and if the defendant be a stranger, they shall have court from day to day, and process shall be made as between freeman and freeman.

31. *Plea of Debt and Covenant broken.*

Also when this plaint is made unto the bailiff, he shall summons the defendant to be at the next court; and if he come not, he shall be distrained of all that may be found within and without the franchise, till he come in to answer. And he cometh, and with-sayeth to the demand of the plaintiff, then the plaintiff, if he will, he shall be accepted to prove his intent by the law merchant, with the defendant, or nay, viz. with the third hand of men of good name, and good fame, that will prove the contrary, by several examinations of the truth, in the hearing of the mayor and the bailiff; but if variance be found in the examinations, the plaintiff shall be amerced, and the defendant shall go quiet. And if the party be a stranger, or both strangers, the process shall be made from day to day, as it is aforesaid, from court to court, between the parties. And in no case a plea be made, when the plaintiff cannot prove his asking but with his own voice, and the defendant offer to acquit himself, as well with his simple voice as the plaintiff, with the proof of the defendant. Then acquittance shall be accepted, and the plaintiff amerced, and he shall not take by his plaint. And in case the plaintiff have a speciality to prove his action, the truth shall be inquired by an inquest, of which the bailiff shall cause to come as it is aforesaid.

And if it be found that the defendant hath with-said his deed, he shall go to prison, till he hath made fine to the King, and agreed with the party. And if the said obligation bear date without the franchise, he must prove his speciality by examination of good people, as it is aforesaid; and if he prove it, it shall be recorded; and if he fail of his proof, he shall nothing take by his plaint, but be amerced. And in case the speciality be avoided by the defendant, if he say that he was within age, or out of his mind, or in prison, at the time of making thereof; and after it be found the contrary by the inquest, or by examination after the speciality bear date, the plaintiff shall recover his asking, and the defendant shall go to prison, and be amerced.

And if any such plaint be made against executors, and the plaintiff may prove his asking with his hand, as is aforesaid, though he have no other speciality, he shall recover, after the goodness of the deed; as it will suffice, and the mayor impleten in this wise: he shall make attorney touching the plea, by assent of the jurats, and they shall give judgment as is aforesaid of other persons. And if such a plaint be, it shall be the first that is called and delivered in court.

And if any jurat be impealled, he shall make attorney for him in the plea, as it is aforesaid, and the plea shall first be delivered, and one manner of proof shall be for freeman and stranger. But if it be a plaint against a stranger, and he cannot find sureties to answer to the party, he shall go to prison; and if he be condemned, he shall abide in prison, till the party be content, if he does it within 15 days.

And it is understood, that all debts recorded, and damages awarded and taxed, the party so condemned shall be enjoined to make good the record within 15 days. If he do not, the mayor and bailiff shall amerce all his goods and chattels within the franchise; and it shall not be lawful for any man so condemned, to alienate his teneement within the franchise, nor alienate his chattels, but only to pay his debts. And it is to be understood, that the bailiff shall take surety of all payments, till the execution be done against the defendant, viz.

he shall take pledge and gage ; but if he hath neither pledge nor gage, the bailiff shall receive his faith for surety.

32. *Letters for Proceedings and Process.*

Also they claim, that if any of their combarons make his suggestion to the mayor or jurats, that if any citizen of London, or other city or town, be bound in a certain debt, and he pray the mayor and jurats to send, under their seal of office, to the wardens of the same city or town, to justify their justification, to make satisfaction of the debt, the mayor may send, under the said seal, to the said wardens, of the nature of the plaint, that they do justification, or deny execution.

After the third letter sent to them, and they receive no answer, the mayor shall arrest all the goods that come within the franchise, whose-ever they may be, of the same city or town that the letters went unto, to the value of the said debt, for default of answer, or due execution upon the letters so sent, to the complaint so made ; and the said goods shall dwell in arrest 40 days, and if the debtor come not within the time to make agreement, or to answer the plaint, the goods shall be delivered to the plaintiff, after that they shall be duly appraised, answering for the overplus to the man that owned the same goods.

33. *Of a Freeman indicted in foreign.*

Also they claim, that if any man be indicted in foreign, or in barony, for felony, and come into the franchise, he shall not be attached while he beareth himself there reasonably, without the suite be made in due form ; but for maintainance of the peace, if any come with beasts, or other cattle, and men have suspicion that they may be stolen, the bailiff, by assent of the mayor, shall attach him, and arrest the goods, and keep him in prison 3 or 4 days, to see if any suite be made against him ; and if none come to pursue within the time, nor any proof how he came by the goods, the same goods shall dwell in

arrest, and he shall be delivered, and charged to sue, after a sufficient warrant of certain days to him assigned, according to the space of the county where he saith he bought them. And if no man come at that day, the goods shall be forfeited to the King as waive. And no man shall be arrested without very presumption, and that by the mayor and jurats.

34. Of erroneous Judgment.

Also they claim, that if any plaintiff or defendant come to the warden, or make his complaint, that the mayor and jurats have given judgment against him that is erroneous, be it plea real or personal, the warden shall not do any thing by his complaint, without sufficient mainpernors to pursue it; but when he hath found sufficient mainpernors to pursue it, the warden may send after the record process to the mayor and jurats, under the seal of his office, to have before him, at a court of Shepway, at a certain day assigned; at which court the warden, in his own person, with all other mayors of the towns of the ports, shall be there; and there they shall see the record and process aforesaid. And if error may be found, the warden, by his own mouth, by the assent of the mayors, shall reverse the same judgment, and he shall award damages to the party; and the mayor who gave judgment anon shall be deposed from his office, and all the franchise of the town shall be seized unto the King for the same. And if the judgment aforesaid be found sufficient and true, he that made the suite shall be arrested, and laid in prison, under the warden, till he hath made fine to the King, and with the mayor, and with the commons, after the taxation of the warden and the other mayors; and he shall make no fine unto the King, untill he hath made fine unto the mayor and the comen; and there shall no man make attorney in such a plea, no more than in appeal.

35. *Of the Court of Shepway.*

Also it is understood, that the court of Shepway shall not be holden but by the warden, in his own person, and that by the warning of 40 days; and this is the highest court of the ports, and serveth for the points following, viz. If the warden of the ports be dead, or removed at the King's will, the new warden shall be appointed by letters patent; the which warden, when he seest time, shall send his letters patent to every place within the ports, and to every mayor and bailiff, to attend, with six of the best and most wise of the franchise, to come before him at the court of Shepway, at a certain day assigned in his letters; at which day, when all these men be come, the warden shall read his commission, with a letter of attendance; then one of the mayors, or another by their assent, shall charge the warden, that he shall keep and maintain the franchises and usages of the ports to his power. His charge shall not be on a book, but by the allegiance he oweth to the King, and of his knighthood; for always the wardens be knights, or peers of the land. And before he be thus chosen, no place in the ports is bound to do him attendance. And it needeth not, that the warden saith the words of the charge with his own mouth, but that one of the mayors, or of the portsmen in his name, shall say them, and he hold up his hand, and he is received as is aforesaid. Then all the mayors, and others of them, assent. Then all the mayors, and others, have used to give him a right worshipful gift. On this day they used not to return any writ, by the mayors and bailiffs aforesaid, nor do any other thing; unless there be any notable commandment of our Lord the King; or his officer shall send his letters to every town of the Cinque Ports, and to every member where there is a mayor, and a bailiff where a mayor is not, with 6 men most able and sufficient of the franchise, as it is aforesaid, before him at Shepway, for certain causes touching the court; and these letters must come to every town and member 40 days before the appointment of the present court. And if these letters come not to them, nor any of them, within 40 days before

the court, neither the mayor nor the bailiff shall be answerable, though they come not at that day, if they prove the matter aforesaid; and although the mayor and bailiff may make attorney in his court, if they have sufficient cause, and that by letters under the common seal of their town; and if any mayor be in default at the said court, and he be duly awarded at a mark of the money. And it is to wit, that the warden, in his own person, and no other, shall hold the said court. And when he is sitting to do execution, all the mayors of the ports shall sit with him, and both sides of him; and then the clerk of the warden shall ask the returners of the mayors and bailiffs, that they return in their summons. And the bailiff of Hastings shall return the first; and all the other mayors and bailiffs, by order, shall return. And on every writ shall be indorsed the names of 6 men, and they shall be chosen from the most sufficient of the franchise. And after the names that be returned they shall be read by the clerk, or the officer of the warden. And if none be returned, the warden, with the assent of the mayors and bailiffs, shall chuse a pannel, viz. of the best that shall be returned of every town, and with them he shall make an inquest, that shall be charged upon a book, that they shall inquire lawfully, if any be within the franchise, if any have done or purposed treason, against the King or his heir apparent. Also, if any man have counterfeited the King's seal. Also, if any man have made any false money. Also, if any man have found any treasure under the earth, which belongeth to the King. Also, if any town in the ports hath withdrawn from the King's service, either of ships or men, and how many of each of them, and what days and times. Also, if any bailiff have taken of any merchant moveables, customs, or otherwise, than hath been accustomed of old; and if any bailiff hath omitted to do execution, after that he hath been adjudged by the mayor and jurats of any town; and if any bailiff hath any execution against the franchise of any town. And it is to wit, that no other thing shall be inquired into in the said court, unless by special commandment of the King.

And if it fall, that any man be indicted of any of these points, viz. treason purposed against the King ; or if he hath counterfeited or falsified the King's money, or coin anew ; if he be present, he shall be arrested of the warden by his own mouth ; by the assent of the mayors he shall give judgment, that he shall be drawn about the place of Shepway, in the presence of the warden, and the mayors and bailiffs, and so hanged in the same place. And if he that is thus indicted be not present, then all the mayors and bailiffs shall be charged, upon all that they forfeit to the King, that he who first finds him in his bailiwick, shall take him, and safely keep him ; and the warden shall be warned as soon as may be, and there shall be holden a court of Shepway, and thither shall the felon be led, and there he shall have his judgment as aforesaid.

36. Of Treasure found.

And if any treasure be found under the earth, that any is indicted for, he shall be arrested, and put into prison, in the warden's ward, till he hath made fine unto the King. And if any mayor, or commoner, be indicted of the King's service, being withdrawn, he shall have his judgment as is aforesaid of him attaint of false judgment.

And if any bailiff be indicted that he hath taken unreasonable customs, or that he hath not done due execution against any town in the franchise, he shall be arrested, and be at the King's will, and he shall make award unto the town, at the discretion of the warden, and of the mayor ; and it is understood, that he is indicted in form aforesaid of any of these points, he shall be attaint without any purgation. And it is to wit, that the warden shall give no judgment, but only by the assent of the mayor ; and every judgment shall be given by his own mouth. But if any mayor be impleaded of false judgment, as is aforesaid, he shall be at the bar, and not sit with his fellows ; and there shall no bailiff sit with the mayor, in the presence of the warden, but only the bailiff where the mayor is.

And it is to wit, that in the said court of Shepway, nor in any other court of all the ports, within all the franchise, shall there be any plea but in English, the which hath been peaceably used time out of mind. Causes and articles moved within the franchises, that be not determined within the usage of the Cinque Ports, they claim to use and determine after good faith and equity, and natural law of the land.

37. Of the Coronation.

Also they used, that when any King of England, or Queen, shall be crowned, the Barons of the Cinque Ports be wont, by the summons of the King's writ to them directed, to come to the said coronation, and do their due service; to receive their summons in the King's court, by 40 days warning, viz.—the day of coronation the two cloths shall be borne by the said barons over the King and the Queen, viz. by 32 barons of the five ports, and by no other. And these 32 barons shall come in a suit of clothing of their own cost, but their expences for the time they shall be in the court, shall be upon the barons. And when they have done their office, the said barons be wont, and of right they claim of both cloths, with all the apparel, as hath been aforesaid. And thereof the barons of Hastings, and their members, shall have one cloth; and the barons of Romney, Hithe, Dover, and Sandwich, the other cloth, and all their apparel. And the barons of the ports that come there, are wont to have the table in the great hall, on the King's right hand, of common right, in the same manner the Barons of the Cinque Ports were wont to have at every consecration of any archbishop the table on the right hand. And all the other points and liberties they claim, that be comprehended in their charters of grants of divers Kings.

Thus ends the liberties of Dover.

THE CUSTOMAL
OF THE
TOWN AND PORT OF SANDWICH.

1. *The Manner of chusing Mayor.*

On the Monday next after the feast of Saint Andrew the Apostle, the common horn is sounded about one o'clock, by the sergeant, at the 14 usual places; and he makes proclamation, saying, Every man of twelve years of age, or more, go to Saint Clement's Church, there our common assembly have need; haste, haste. When the mayor of the preceding year, the jurats, and the commonalty, are assembled in the church, and the sergeant hath brought his horn, the mayor takes the stick and the horn from the sergeant, and the keys of the chest from the two jurats, their keepers, and puts them near him, and he desires the commonalty to proceed to a new election.

The commonalty desire the mayor to withdraw, and name three other reputable men to be put in election with him, whether present or not, who must all be natives of the town, for no strangers are eligible to the office of mayor. The commonalty elect one of them; and when he is chosen, they desire him to take his office.

2. *The Oath of the Mayor.*

I shall be, as I ought to be, good and true to our sovereign Lord, the King of England, and his heirs and lawful successors, and the state, customs, and liberties of the town of Sandwich; and the office of mayoralty there will, to my power, maintain and execute; and true judgment, after the use and custom now used in the said town, shall give, as well to free as not free, and to them not free as to free; and as well to rich as to poor, and to poor as to rich; not letting for need, favour, or affection, or for any other cause; taking to me the advice and counsel of my brethren, and counsel to me taken I shall have. So help me.

3. The Jurats Oath.

They take the same oath as the mayor. Two of the keys of the common chest are given to two of the jurats, and the third, with the chest itself, is to remain in the custody of the mayor.

4. Chusing a Common Clerk.

At a common assembly, on the Thursday next after the choice of the mayor, the town-clerk shall return thanks for his office; and the mayor, jurats, and commonalty, shall proceed to a new appointment.

5. The Town-clerk's Oath.

I shall be, as I ought to be, good and true to our sovereign Lord, the King of England, and his heirs and lawful successors, and the state and liberty of the town of Sandwich, to my power, shall maintain; and the office of common clerk, in true writing and witnessing, truly fulfill, and the counsel delivered to me I shall have. So help me.

6. Penalty for refusing the Office of Mayor.

If the mayor, after being elected, refuse the office, the commonalty, after three notices, shall pull down his house; and if the house he lives in be not in the town, he shall be disfranchised; nor shall he ever be returned to his freedom, till he submits to the commonalty.

A jurat, after he is chosen, shall be punished in the same way, unless he can shew a reasonable cause why he should not serve the office.

7. The receiving of a Bailiff.

When the King appoints a bailiff, he gives him a patent, under white wax; because we pay no attention to patents from the exchequer, under green wax. When the patent is read before the mayor and commonalty, the bailiff then takes the following oath, viz.

I shall be good and true to our Lord the King, and his successors, and the office of bailiff faithfully execute, and the state of our Lord the King maintain, with due regard to every thing that concerns the liberty of Sandwich.

8. *Appointing the Bailiff's Sergeant.*

The bailiff, in full court, appoints his sergeant, before the mayor and commonalty, who is called the catchpole, who takes an oath similar to that of the bailiff. The wand is then delivered to him, and the freemen are desired to aid and assist him in every thing relating to his bailiwick.

9. *The Bailiff to receive all Pleints.*

The bailiff, either by himself or his sergeant, is to receive all plaints of freemen and strangers, in all cases happening in the town; and according to the nature of the plaint, he shall attach or summons the party, or take security, and do every thing as the case requires.

10. *Proceedings in Pleas between Freemen, or Freemen and Strangers.*

If either the plaintiff or the defendant, or both of them, be strangers, or non-freemen, the plea, according to the nature of it, ought to be held every day, before the mayor, the bailiff, and the jurats; because, in this town, every stranger shall have a verdict in three days, excepting in plea of lands. If the suit be between two freemen, the plaintiff ought to have justice done, according to the custom of the liberty; which is, that freemen plead against freemen only once a week, on Thursday. However, by leave of the mayor and bailiff, pleas may be held on other days, for the dispatch of business. All pleas may be determined there on these days, except pleas of land and the crown, which are to be held in Saint Peter's church.

Pleas of land are cognizable only in a full hundred court, which is held every Monday three weeks, unless in vacation time, as will be mentioned hereafter. In this court, all pleas whatever may be terminated, either of trespass, covenant, debt, battery, or bloodshed. It is held in Saint Clement's church. Pleas of the crown are held at Sandown, in a place called the Mastey; either on a Monday, when the hundred is held, or on any other Monday as will be mentioned here-

after. It hath not been usual to do business after dinner, nor to fine any one before one o'clock.

11. *Plea of Debt.*

If a non-freeman bring his action against a non-freeman for debt, the bailiff, or his sergeant, shall bind over the plaintiff to prosecute; and if he cannot give personal security, he should deposit a gage; but if he can do neither, he shall be bound by his solemn promise, either because he is a stranger, or on account of his poverty. And such surety or gage shall be bound till the plea be finally ended; otherwise the stranger, when amerced for a false plea, or any other cause, might go away, and the King lose the amercement.

The bailiff appoints the following day for the plaintiff's appearance in Saint Peter's church, and then goes to the non-freeman defendant, and assigns him a certain day to give in his answer, taking of him sufficient distress, to remain under good security, in the hands of freemen only. The defendant however may demand the restitution, before he gives in his answer, and it shall be given up to him, for no one shall answer while he is bound. The bailiff shall take care that the distress be reasonable; for if the non-freeman have a house in the town, and be upon it himself, the house shall not be taken at such time, because that would be a sort of attachment; whereas no attachment can be made out of the liberty of Sandwich for debt, even though the debtor may have been bound according to statute; because new acts of parliament ought not to alter the customs of the said town. If the defendant hath nothing within the liberties, by which he can be distrained to come to court, and he refuses to appear upon summons, nothing further can be done, because the poverty of the debtor will not allow an action against him.

12. *Of Essoins.*

Whether the defendant be bound by sureties, or distress, he may appear on the day appointed him, either in person, or by his essoiner,

the first time ; for only one essoin in plea of debt, covenant broken, bloodshed, or detainue at that essoin, lies equally between strangers as freemen, and as well in favour of the defendant as the plaintiff ; so likewise in a plea of land, and of every other plea, the plaintiff and defendant have the same essoins once ; but there are other delays appointed equally, of which more hereafter.

If either party appear by his essoiner, he shall enter his essoin thus : A. B. makes himself an essoiner against C. D. by E. F. and though there be no mention of the nature of the plea, it shall not vitiate the essoin, except in a plea of land, according to the custom of the place.

13. Proceedings by the Bailiff in a Plea of Debt.

The bailiff, or his deputy, when he hath received the complaints, shall give notice to the mayor, or his deputy, of the day when the plea is to come on before him and the jurors.

The bailiff, or his sergeant, in a plea of debt, shall take a distress in proportion to the magnitude of the sum owing ; for in case of a sailor bringing an action against the master for twenty shillings, it would be unreasonable to seize the vessel, sails, anchor, or cable, while there were other sufficient articles on board. The bailiff's sergeant is entitled to fourpence, for taking a distress upon the water, for the use of the boat, and for the people who bring the distress on shore ; but for distresses on the land he takes nothing, except the fine of him who is cast ; because, in consideration of the fine, the King is to do what is necessary for the plaintiff.

When the parties come into court, the plaintiff, or his attorney, is to declare against the defendant ; and if he be without counsel, or a foreigner, the mayor shall appoint him one of the jurors, or sergeants, to assist him, or at least shall encourage him to speak the truth, and to give him assurance, that no advantage shall be taken of his want of form.

In a plea of debt, the declaration shall be for a fixed sum, either upon the plaintiff's affirmation, or by the evidence of good witnesses, who were present at the loan of the money, or else by tally to be proved, or by a sealed tally. If the plaintiff can offer only his own affirmation of the debt, without evidence to prove it, the defendant may acquit himself by his oath. If however the defendant acknowledgeth that the debt was contracted, but that the money hath been paid, he must prove the payment, by the sight and hearing of three persons; and the same is done in such cases where the payment is denied. But if the plaintiff offer to make good his charge, by the evidence of his three witnesses, he shall be put upon his proof, though the defendant do not admit of the loan; because, in this case, his denial goes for nothing. The court proceeds in this manner. The bailiff's sergeant holds the testament, and the parties lay their hands thereon; when the defendant shall charge the plaintiff and his witnesses. Then the plaintiff shall say, Hear this, A, you owe me 20 shillings, which I lent you at such a time, and in such a place, in presence of these persons here present; which sum you have not yet paid me. Then the witnesses shall take the following oath. Hear this, A, I was present hearing and seeing, when T paid you 20 shillings, on such a day, and in such a place; and if any are withdrawn from the book, and will not take the oath, the proof is void, the defendant quit, and the plaintiff at the mercy of the court for a false claim.

14. *Wager of Law.*

In case of proof of wager of law, the adverse party may challenge the compurgators on several accounts, whether it be to prove the debt, or the payment of it. If any of them have been convicted of perjury, have performed publick penance, by walking round the church, or the market, or hath conspired against the lord, and hath fled hither, or be fugitives from their country for murder or for theft; or if there be a son on the part of a father, or a servant on the part of

his master; or if there be a declared enemy of the defendant, such a person cannot be admitted to prove, or acquit, upon a challenge.

15. *Bailiff not to enter on the Premises of a Freeman.*

Neither the bailiff, nor his deputy, may enter the free tenement of a freeman, unless by the order of the mayor and jurats. The mayor's sergeant used to accompany the bailiff's sergeant on these occasions, but this custom hath now ceased.

16. *Proceedings when a Freeman is fined upon a false Claim.*

When a freeman is fined in an action of debt, or trespass, for a false claim, or in a plea of land, the bailiff cannot enter the freeman's tenement, nor take a distress without doors for such fine, till it be taxed by the mayor and jurats; on which account the bailiff delivers unto the messenger, when occasion requires, a list of the names of those who are to be fined, stating the occasion of such fine; upon which the mayor and jurats have a meeting, and, to the best of their judgments, adjust the fine to the degree of delinquency, and the persons circumstances. Sometimes, in pleas of disseisin, the fine is mitigated to 40 pence; and, in a plea of bloodshed, to 2 shillings; and, in case of poverty, to 3 pence.

Fines of strangers are not taxable by the mayor and jurats; but if the bailiff be unreasonable, they may intercede with him, and request he will not do any thing prejudicial to the town.

17. *Of various Pleas.*

Pleas of battery, bloodshed, trespass, and covenant broken, if one or both of the parties be strangers, are terminable from day to day.

In these different pleas are different delays. In plea of battery and trespass, there are three essoins; and in every plea the defendant may have one essoin after his appearance in court, except in pleas of the crown. If the defendant is upon his law to deny, after waging his law, he may, upon the day appointed, essoin once, and

no more. In this case, the plaintiff hath not the same delays as the defendant.

In every plea of battery, trespass, and bloodshed, the party who denies shall have his acquittance, if he demands it in due form, although the plaintiff may offer to prove his charge by good evidence; otherwise he is to be put upon his defence against the plaintiff, and his followers.

In all pleas whatever, except in plea of lands, the decision of which is with the mayor and jurats, are to be determined by the proof of the plaintiff, or the defendant, or by the acquittance of the party negative; for in the Cinque Ports there is no trial by jury, as in other places.

18. Proceedings in a Plea Freeman against Freeman.

A freeman against a freeman, can plead only once in a week, on Thursday. When the action is for debt, the defendant shall come himself the first day; and when the plaintiff declares against him, the defendant shall say, Mister Mayor, this matter is new to me, and I demand my reasonable summons, such as a freeman, against a freeman, is intitled to; which shall be allowed him to that day week. He may essoin once; but at the third time he must appear, and answer, or else be distrained without doors, to come and answer that day week; unless some one on his behalf alledge that he is employed in his fare, and was so before the last summons was served. If he do not appear, nor any one certify that he is engaged in his fare, he is to be distrained within and without doors: and so at every court he shall be distrained, till he give in his answer. If he have no chattels, the rents of his tenements, if he hath any, shall be seized, and even his chamber may be entered, and other severities exercised against him, in proportion to the debt.

When he comes into the court, either by distress or otherwise, and finds neither the mayor or the bailiff there, he may say, It appears to

me, my masters, that I am not obliged to answer here, in the absence of the mayor and the bailiff; and it shall be adjudged that he need not answer. A freeman cannot plead against a freeman, but by mutual consent, in the absence of the mayor.

If the debt be proved, he must make satisfaction within 15 days; and if he fail, he may be distrained as is aforesaid for not appearing.

19. *A Woman covert sole, Action against.*

If a woman who deals publickly in fish, fruit, cloth, or the like, be sued to the amount of goods delivered to her, she ought to answer either with or without her husband, as the plaintiff pleases. But in every personal plea of trespass, she can neither recover nor plead against any body, without her husband. If she be not a publick dealer, she cannot answer, being a covert baron.

20. *Plea of Battery or Trespass.*

If any person, who sues another for battery or trespass, gives personal pledges, or his gage, or his promise, if he is poor to prosecute, the defendant in that case must be attached; and if he can find sureties to answer, let him be delivered to his bail, and an injunction to them to produce him on the day of trial; but if he cannot find bail, he must be sent to prison, but not fettered. If the action be for bloodshed, the defendant is to be attached, and shall not be admitted to bail, till he arrives at the door of the prison, unless he be a respectable person, of good behaviour; such are usually delivered to 4 sureties, unless the person's life is in danger. If the hurt be trifling, he shall find 2 sureties, or his free tenement shall be gaged. The ordinance for imprisoning persons for bloodshed, is of late date, with a view to punish frequent offenders. The gaoler is to have four-pence for every person attached, and brought into prison.

In a plea of trespass there are three essoins, but only one in a plea of bloodshed.

Distress for hurt done should be taken in proportion to the injury, unless satisfaction be made within 15 days, as in a plea of debt. In all cases, the mayor and jurats are to tax damages given.

21. Difference between Debt, and Covenant broken.

In a plea of covenant broken, damages may be recovered, but not in a plea of debt, unless the plaintiff in his plea declares for damages; which are to be taxed by the court, after judgment given.

22. Of the Hundred.

When the bailiff sees occasion to hold a hundred, he shall apply to the mayor three days before, to know if it suits him; and if he consents, the mayor shall send the catchpole to the houses of the parties, three days before, to summons them to attend on the day appointed, or to attach them, as the case may require; and the bailiff informs the mayor and jurats what kind of tenements they are. In pleas of novel disseisin, and mort d'ancestor, require a view, and upon which they form their verdict. This is the mode of proceeding in every plea, where an assise in common law takes place in the foreign pleas of novel disseisin; and a view of frank pledge, and of unjust intrusion, shall be terminated every day, according to ancient custom, long disused, but lately revived.

23. Of holding the Hundred.

On the Monday when the hundred is to be holden, the mayor's sergeant, about one o'clock, shall blow the common horn at the usual places, and make proclamation, saying, Every man, of 12 years, or more, go to Saint Clement's church, to the hundred, haste, haste. And when the mayor, bailiff, jurats, and commonalty, are assembled, and the sergeant arrives with the horn, the mayor's sergeant takes his place without the bar, to proclaim silence, and the bailiff's sergeant calls the parties who are to plead.

24. *All Actions cognizable in the Hundred.*

All actions are cognizable in this court, as well between strangers as freemen, especially pleas of land; and all causes may be heard and settled here by simple plaint, made to the bailiff, as well as in the King's court by his writ; excepting such as are by a writ of right patent, and in that writ the title of Sheriff of Kent shall be changed to that of Constable of Dover Castle.

The pleadings upon these writs should be in the same form, and there should be the same delays and exceptions as are used in the King's court. In the plea of mort d'ancestor, however, the court grants 3 essoins, and in some few cases the delays are less in number, and shorter.

25. *Proceedings in Pleas in the Hundred.*

The process of the suit is entered on the bailiff's roll, and the record rests with the mayor, either with or without a roll; and in case of any mistake, the record of the mayor is greater than that of the bailiff; for the mayor is judge, and he gives such judgment as he thinks proper; whereas the bailiff hath nothing further to do with the business, than to receive the amercements, after taxation by the mayor and jurats.

When any difficulty occurs, the mayor and jurats usually respite judgment till the next hundred; and in the mean time, for greater certainty, they consult the barons of the other ports.

N. B. The particular titles of the writs, and some of the different pleas triable in this court, are not here enumerated, as they may be found in the laws of England.

26. *The Mayor may grant Essoins.*

At the hundred, in every plea, days of grace may be allowed, upon petition of the parties; sometimes two, sometimes three essoins, as the mayor pleases; and all the proceedings are according to the common law; except that there can be no assise, nor inquest, nor duel.

27. *Distress for Waste.*

If a person hold a tenement in the town at a certain rent to be paid to another, and should suffer the building to go so to waste and decay, that no distress can be taken for the rent, after waiting a year and a day in vain for a distress, he may come to the hundred, and state the case to the mayor and jurats, and request their advice; who ought to tell him to search still for a distress, or for the occupier, who may pay the rent due; but when he comes to the next hundred, and satisfies the court that he hath done so, he shall then be directed to go publickly to the tenement, and, in the presence of some respectable persons, to fix poles in the ground; and if the poles remain there unremoved for the space of 40 days, without challenge, he shall, at the next hundred, be put in possession, by judgment of the court.

If the tenant comes within 40 days, or before judgment is passed, and engages to pay the rent in arrear, he shall save his tenement; but if he says that he does not owe so great a rent, or owes nothing, he must be put to suit; otherwise the plaintiff will not recover his rent.

At the fixing of the poles, proclamation should be made, that if any man or woman claim any right in the premises, he shall come within 40 days, and satisfy the plaintiff for his rent in arrear, or assign a reasonable cause, within that time, why he should not do so, upon pain of losing the land or tenement, the rent being adjudged to the plaintiff at the next hundred.

28. *Of Estrepement.*

If a man or a woman acquires a messuage within the liberty by purchase, for life, with reversion to another, and out of malice or knavery commits waste and injury upon the estate, or suffers it to be done, the mayor and jurats for the time being, at the suit of him to whom the reversion belongs, shall compel the tenant to repair the premises in a proper manner, and to put them, if he be able, in as good a state as they were when he purchased them, allowing for rea-

sonable decay ; but if he shall be able to repair the estate as he ought, the mayor and jurats shall make him do as much as he is able to do.

29. Distress for Rent.

Every man and woman, having rents within the liberties, may distrain for the same upon the messuage or land for which the rent is due ; and he may take distress for rent in arrear, if he please, without any officer ; but he may not remove the distress, nor suffer it to be carried out of the liberty, upon pain of punishment, at the discretion of the mayor and jurats, till the distress be brought again within the liberty, and satisfaction made to the mayor and jurats for such a breach of privilege.

30. Portsmen to have Share of Merchandize.

If any merchant, whether neighbour or stranger, bring merchandize into the town or port, all those of the town who were present themselves, or by proxy, at the purchase of the goods, and then give notice of their intention, shall participate among them the gain, or the loss, upon such merchandize.

31. Pleas of the Crown.

All pleas of the crown for life and member, may be held before the mayor, bailiff, and jurats ; but upon appeal of falsifying the King's coin, upon treason spoken against the King, and counterfeiting the King's seal, are cognizable only in the court of Shepway.

32. Of Appeal of Murder, and other capital Offences.

If a person appeals another of murder, robbery, arson, house-breaking, or other capital offences, or of rape, mayhem, or the like, by which he is subject to loss of member, the bailiff, or his sergeant, arrests the defendant, and takes good security of the appellant to prosecute his appeal. If the appeal be for a capital crime, the bailiff shall attach and sequester all the moveable goods of the appellee, under the inspection of the mayor and one of the jurats, but he shall

not remove them from their places, except to lodge them securely with some respectable person; for if the accused be convicted, and suffer judgment, his goods are forfeited to the King, and his house and rents within the liberty to the mayor and commonalty, after the King hath possessed them a year and a day; but if he be acquitted, he shall save his goods, and they shall be returned to him.

When the parties come before the mayor and jurats at the Mastes, the gaoler shall stand with an ax, the appellee being bound, till he be called upon to make his defence; when he shall be unbound. The prosecutor then shall appeal him, and the bailiff shall inform the meeting of the cause of the attachment. The appeal cannot be set aside for any verbal defects for the King hath no suit within the liberty, excepting in the case of murder, as will be spoken of more fully hereafter. If the appellee denies the charge, and offers to acquit himself, according to the usage of the liberty of the Cinque Ports, the court shall appoint a day, when he shall produce 56 men, good and true, to swear with him that he is not guilty. In fixing a day, allowance should be made for the distance from which the defendant, especially if he be a stranger, is to bring his neighbours to acquit him. Every person, of good character, is entitled to his acquittance, whether he be an inhabitant, or a stranger.

33. *Homicide.*

In an appeal of homicide, if the person accused was caught in the fact, with a weapon in his hand, or blood on his clothes, and there be good evidence thereof, he cannot be allowed to quit himself. And so in an appeal for theft or robbery, if the person be found with the goods upon him, it behoves him to shew, on a day appointed, how he came by them, and from whom he received them; and upon failure, he shall not be allowed to quit himself. But if any one appears, and acknowledges that the goods are his, and that they were delivered to the other person by him, the appellee is then cleared, and the other becomes answerable, as at common law. In every case, when the

person calls for his voucher, and cannot produce him, he loses his cause. If the person upon whom the goods are found, avows that they are his own, and that he is not guilty of the appeal, he may acquit himself, by 36 good and true men, and save himself and his goods.

34. *Proceedings in Homicide.*

When the names of the 36 compurgators are delivered to the bailiff in writing, they shall be distinctly called over, and if any one of them be absent, or will not answer, the appellee must suffer death; but if they shall separately answer to their names, the bailiff, on the part of the King, may put aside 12 of them, and the mayor and jurats 12 more; fixing upon 12 of the 36 to swear, with the appellee, that he is not guilty of the matter laid to his charge. The accused is first sworn that he is not guilty; and then the others come up as they are called, and separately swear the same oath; by which the appellee is acquitted, and the appellant becomes liable to an attachment, and his goods are at the disposal of the King. If any one of the 12 withdraw his hand from the book, and will not swear, the appellee must be executed; and all who are condemned in such cases are to be buried alive, in a place set apart for that purpose, at Sandown, called the Thief's Down; which ground is the property of the corporation, however it may have been appropriated by others. This is the proceeding in common cases of appeal of life and member. All persons should be indicted according to the common law; only in the town the party is to be acquitted, or condemned, by 36 men; whereas in the country, they put themselves upon the verdict of 12 men.

35. *Cutting a Purse.*

Persons found in the act of cutting purses, or picking pockets, in markets, or elsewhere, upon proclamation, are sentenced to lose one ear, and to be carried to the end of the town, and to abjure it, upon pain of losing the other ear. And if a person shall be taken again, and found to be without an ear, or marked as a thief, he shall be condemned to die, whether he be marked in the town, or elsewhere.

36. Of an Appellant's withdrawing his Appeal.

If an appellant withdraws his appeal, and owns himself mistaken, he becomes liable to an attachment, and his goods are at the disposal of the King; but favour is generally shewn in such cases; but then the appellee is taken to prison; and if it be an appeal of murder, a day shall be appointed for him to acquit himself, if he can, against the suit of the King. In cases where the King hath no suit, as theft, robbery, and the like, it is the custom to require 6 bondsmen, for the appearance of the person in court, if any one proceeds against him. Should he be a stranger, and cannot have such bondsmen, or cannot find sureties for his good behaviour, he shall abjure the town, till he return, and offer good securities.

37. Apprehending Persons upon Suspicion.

When any theft, or other villainous action, hath been committed in the town or port, or without the town, by sea or land, and the magistrates have cause to suspect any one of the freemen, or inhabitants of the town, whose character is bad, the mayor may apprehend him, and deliver him to the bailiff to be imprisoned, who is bound to receive all such persons at the hand of the mayor, and to discharge them when the mayor thinks proper; and such persons are detained in prison a longer or shorter time, according to the character they bear.

When it is found, however, that no one proceeds against the prisoner, he is to be discharged, upon his giving security for his good behaviour; but if he can find no sureties, he is to abjure the town, till he can lawfully return.

If a capital robbery, or other heinous crime hath been committed, and the persons suspected are of bad character, it is usual, after they have been some time in prison, and no one appears to prosecute, to bring them from the Castle to the Mastes, and to make proclamation by the mayor's sergeant; then they may come on a certain day to be named; at which day, if a prosecutor appears, the trial is to take

place in due form ; otherwise the prisoners are to be discharged, upon security as before.

The bailiff is not empowered to attach any body upon suspicion, without process, except with the consent of the mayor and jurats ; nor can he discharge any prisoner, but by their order.

38. Of the Coroner.

There is no judge of the town, or coroner, within the town of Sandwich, or its liberty, besides the mayor, and his brethren the jurats ; who, if any one is found dead within the town, either on the land or in the water, to take a view of the body, unless the cause of the death be apparent to themselves, and every one else. If a person be drowned by accident, or fall from a height, and break his neck, or the like, or is killed by a weight falling on him, or being thrown from a carriage, or a house, and that his death, or the cause of it, be apparent ; in such a case, it is not necessary to take a view of the body, but only to order it to be carried to the church, and be buried. But if it should not be known how the person came by his death, the mayor and jurats shall examine the body with great caution, and observe whether there be any wound, or other evidence that he was killed ; upon which they should inquire diligently among themselves, and their neighbours and friends, if they suspect any body, if nothing further is to be done but to bury the body. But if there are grounds for suspecting any one, the person shall be attached, till he can acquit himself of the murder, as is before mentioned.

It is to be observed, that if any one fall from any height, as is before mentioned, nothing is forfeited by way of deodand, nor can the King claim any thing on the occasion ; because it never was the custom here. If the chattels of any good man be seized among the goods of a felon, whether accidentally in his custody, or lent to him, they are to be delivered up to the owner, upon proof of their being his property ; for a thief cannot forfeit the goods of another person, unless indeed he denies the other's claim, and affirms the chattels to be his own.

39. Coming to the Town for Felony.

If any one charged in the foreign with homicide, or be indicted for robbery, or other crimes, shall flee to the town for fear of the event, or being appealed by any power, shall come hither for refuge, whether he be free or not, he is not to be attached without suit, while he behaves discreetly within the liberty, even though the sheriff of Kent, or any other, certify the mayor and jurats of the fact; unless the Lord Warden sends his mandate, assigning the cause; and even then, if he can find 6 bondsmen, who will be bound for his appearance within the liberty when required, he shall be taken from prison, and delivered up to his bail.

All who are attached within the liberty, either with or without suit, whether freeman or stranger, whether taken for crimes perpetrated within or without the liberty, are entitled to final judgment.

40. Of Persons attached within the Liberty.

All who are attached within the liberty, either with or without suit, whether freeman or stranger, whether taken up for crimes perpetrated within or without the liberty, are entitled to final judgment in our courts. And though any of the King's justices should order the bailiff to bring the prisoner before them; and though the Constable of Dover Castle should order the mayor and jurats to bring him to some place without the liberty, they shall answer, they cannot do so consistently with the privileges of the town; nor shall the prisoner, on any account, be permitted to go, unless by express order from the King; and even then some demur should be made to the first mandate, till it be known with certainty it is his pleasure.

41. Of a Felon fled.

If any inhabitant, or stranger, shall commit murder, or robbery, within the liberty, and shall flee for the same, the mayor and jurats may demand him from any lordship or liberty in the kingdom where he may be found, excepting from the church; and he shall be delivered

up to them, according to their privilege, to be brought back, and to be tried after the use of the franchise; and this hath been the constant practice from ancient times.

42. *Of Weights and Measures.*

The mayor and jurats may examine the weights and measures as often as they please; and every delinquent is always to be fined 21 pence.

43. *Of Orphans.*

The mayor, and two or three of the reputable persons appointed to superintend the management of orphans, are wont to be summoned before them, by a common wardman, at a fixed time, such men or women of the corporation, as have orphans delivered to their care, in order to give them instructions for their conduct.

As soon as it comes to the knowledge of the mayor and jurats, that any rents, lands, tenements, or moveables, have fallen to a minor by descent, grant, or devise, they should immediately take possession of them, and inquire what is the annual produce of the real estate, and what the value of the personal; and then take account of the number of the children, and their age, and put them and their property in ward, under their next of kin, to whom the inheritance cannot descend, provided the ancestor hath made no specific appointment, by will, of trustees; the mayor and jurats taking such security of the guardians, that the children may be safe from injury, and the town from blame. Nor shall it be allowable for the guardians to give their ward in marriage, while under age, without the consent of the mayor and jurats, and of the relations. Indentures are to be drawn, one of which is to be sealed, with the seal of the guardian and sureties, and deposited in the common chest.

If any orphan happens to die under age, all the goods and chattels devolve to the management and disposal of the mayor and jurats; for with us, goods and chattels do not descend to the heir, like tene-
Vol. ii.

ments, rents, and possessions; some portion of them being set apart for the celebration of masses, for the souls of the late owners; for the use of the hospitals of Saint Bartholomew and Saint John; some for the lepers on the wall leading to Ech; some for mending the highways, and other works of charity. When the great sickness happened in the mayoralty of William Yoe, in which many orphans died, their chattels devolved to the mayor; and, by the assent of the jurats, one third to the heirs, and the rest for their souls. This happened in the twenty-fourth year of the reign of Edward the Third.

44. *Taking Withernam.*

See the first volume of this History, p. 237.

45. *Of admitting Freemen.*

The mayor and jurats may make freemen in this manner. When a stranger comes to the town, and carries on there any useful trade, with decency and reputation, for a year and a day, and is then desirous of becoming a freeman of the corporation, he shall come before the mayor and jurats, at a common assembly, at a day appointed; and, with the consent of the commonalty, be sworn to be good and true from that day, and during his life, to our Lord the King of England, and his heirs, and to assist and maintain the liberties of the town to his power; and he should find 4 sureties for the true and faithful performance of his oath, and for the punctual payment of the scott and lott of the town, out of his personal estate. He is to put into the common horn 13 pence for his admission; of which the mayor is to have 12, and the common wardman one penny. He is likewise to pay a composition to the mayor, in the name of the commonalty, and to the bailiff, in the name of the King, as much to the one as the other. The fine is sometimes half a mark, sometimes 40 pence, according as the person may be useful to the community in the King's service, and other occasions. The whole proceeding is to be entered in the usual form, by the town-clerk, in the book kept in the chest, for which he is intitled to a fee.

Strangers coming to the town, may obtain their freedom in three different ways, viz. by paying a sum of money as above, by marriage with a free woman, and by purchase of a free tenement. But the person must first have been resident there by himself, his wife, or his agent, for the space of a year and a day; and he who has been once made free, and hath continued that time in the town, shall not be taken out of the liberty at the claim of the lord, even if he be his servant by contract, or by birth.

These adopted freemen have a right to enjoy all our franchises, within and without our liberties, equally with those who are born free; and they may have a patent for freedom, to be in force for three years, which is the longest term for which such patents are granted; but they are renewable if required. Such tenements only are free, as owe neither suit nor rent to any one, and are only liable to the lotts and scotts imposed on the commonalty at a common assembly.

46. *Cognizance.*

Cognizance may be taken before the mayor and jurats. When a man and his wife have a tenement within the liberty to sell, of which the woman is enfeoffed and seized by right of descent, by purchase, or any other means, she is to come before the mayor and jurats, in the absence of her husband, and they will ask her if she consents to the sale or not, and the writings should be read, and explained to her in English; then if she acknowledges herself to be satisfied, and that she is under no compulsion, and if she is of sound mind, and freely consenting to the business, her acknowledgment shall be entered upon the rolls, or the book of record, agreeably to the form of *lèying a fine* in the King's court. The fee in such cases to the corporation is four-pence in the pound of silver, viz. two-pence from the buyer, and two-pence from the seller. The town-clerk should also be considered, in all such cases, when he attends personally.

When the cognizance is taken, neither the woman, nor her heirs, can, upon any occasion, make any claim upon the tenement. Suc!

cognizances are taken before the mayor and jurats in Saint Peter's church, when the woman is in health, and can appear there in person ; but if she be infirm, or ill, and cannot come thither, it is usual for the mayor, and some of the jurats, to go to her, and examine her as above ; and such cognizance will be firm and binding for ever.

When a wife makes a cognizance of this sort, if there be a covenant that the estate shall be enfeoffed back again, to her and her husband, jointly to both of them, to her husband for life, and to her and her heirs, or in any other manner, it is incumbent to the mayor and jurats to be well informed of such conditions, lest the feoffee, by fraud, should act contrary to the declaration made before the mayor and jurats ; and if the feoffee seems inclined to do so, he should be prevented, in conformity to the rectitude and equity always observed in the said liberty.

47. Of Persons dying intestate.

The mayor and jurats should have the administration of the goods of persons dying intestate. If a freeman of the corporation dies without a will, on shore or on the sea, within the liberty or without, as soon as authentic information of his death is brought to the mayor, he shall take with him the jurats, and in some cases the rector, or the vicar of the parish where the deceased resided ; and they shall cause his wife, if he hath one, and the people of the vessel, who are in possession of his effects, to discover, upon oath, what he was possessed of at the time of his death, in money, goods, and effects ; after which they shall appoint, as soon as may be, two executors, as near akin as may be to the deceased, who shall be sworn to make such a true inventory, as should be done before the ordinary ; and they shall appoint a day to bring in the inventory. And when they know what is left, after paying his debts, funeral charges, and other necessary legal expences, they shall order the residue to be distributed in a proper manner. If there be a widow, and sons, the whole should be divided into three equal parts ; and if any of the same be under age, they should be committed

to the warden of orphans. If there should be no children, male or female, but only the widow, the effects are to be divided into two parts, according to the law; of which the widow is to have one part, and the other is to be disposed of by an instrument, drawn up in the presence, and with the assistance of his friends, if they chuse to attend; and the executors are to distribute it duly and truly, as they believe the deceased would have done, had he been living, to the good of his soul, to charity, and the amendment of the roads.

When every thing abovementioned hath been done in a proper manner, and the payment hath been made, the executors are to bring in their accounts to the mayor and jurats, and the rector or vicar, if he chuses to attend, and the relations; and if their accounts be right, they are exonerated from the duties of their executorship. They are not however to have a release from the corporation; but an entry of the business is to be made upon their rolls, or in their book of record; and this hath been the custom from old time, till now, without any opposition from the archdeacon of Canterbury, or any other ordinary.

If a merchant, a foreigner from distant parts, happens to die in the port or town of Sandwich, the mayor and jurats take charge of his effects, if he hath any with him; and if the whole, or a part, of the effects be perishable, they put them up to sale, in the presence of the master of the vessel, to the crew, and sell them to the highest bidder; and at the same time, they send information to the governor, or the magistrates, of the city or town to which the deceased belonged, of his death, and of the effects he had with him; of the sale, and of the money in their hands; requiring them to send back, as soon as possible, an account, under their seal of office, addressed to the said mayor and jurats, of the heirs, or next of kin, of the deceased; to whom they may give administration of his goods and money, in order that they may be distributed, agreeably to the inclination of the deceased when he was living, and according to the custom of his country. When they arrive, the effects and the cash are to be delivered up to

them, reserving a small portion for his soul, to be distributed to the minister of the parish where he was buried, to the carmelites, and others, as may be settled between the mayor and jurats, and the relations of the deceased. If however, after a reasonable time, allowing for the distance of the place, the mayor and jurats receive no answer to their letter, and nothing be known to prevent the return of an answer, then they shall conscientiously dispose of the effects and the money, as they think may be best for the soul of the deceased, in the celebration of masses, and in alms to the poor. All these things have been done, in manner abovementioned, from old time as abovesaid.

The mayor and jurats shall bury the person handsomely, in proportion to the effects he hath with him; and should reserve the rest to do with it as directed above.

48. The Mayor and Jurats may punish Offences against themselves, without the Bailiff.

The mayor and jurats may punish the freemen of the corporation, in any case, and on any occasion, when they commit offences against the said corporation, without consulting the bailiff, or any one else. So likewise, if a stranger offend against the corporation, they may punish him when he comes into the place; or if he withdraws himself from thence, they may make complaint to the Lord Warden, who shall hear what they have to say, and punish delinquents according to their offence, and levy a fine of ten pounds upon them, according to the charter granted by the King.

49. Of a certain Custom called, Fetch and Have.

The mayor and jurats, when at leisure, and are requested, examine the building of one neighbour, adjoining the ground of another, to see that the walls, and other fences, are done as they should be, and that the builder does not take in more ground than he ought to do; and if any dispute arises between the neighbours, respecting the ground, wall, or gutter, which the parties agree to refer to the deci-

sion of the mayor and jurats, they are to get all the evidence they can, and if necessary, summons the old people in the neighbourhood, and others well informed ; and when they have examined into the whole matter, they are to fix poles in the ground, or draw out a boundary line, in order each party may have what belongs to him ; and against this decision there can be no appeal,

There is another custom, if parties agree to it, viz. the claimant, or defendant, as they settle it, places his right foot, so that his great toe extends to the edge of the ground that he claims, or he puts his foot against the wall, if he claims a wall, and says, This, hear ye good men, and you, B, my adversary, all the ground that I measure with my foot, or the wall which I touch with my foot, is mine. So help me, &c.

THE CUSTOMAL
OF THE
TOWN AND PORT OF ROMNEY.

These are the Usages of the Port of Romney, Time without Mind.

1. Chusing of Magistrates.

It is used in the same port, from year to year, to chuse 12 sworn men, by the assent of all the commons of the same town, for to keep and govern the same port and town; and also to let the free and the out-free, dwelling in the same town, to the common charge; and they shall be sworn, each man by himself, the franchises, and the usages of the same, for to maintain, and the great and the small, after serment, in one manner to lead and govern. And it is to wit, that at which hour these sworn men shall be so chosen, the common horn shall be blown, at the corner of the town, three times, to assemble the commons, the same election to take.

2. Penalty for refusing the Office, when chosen.

Also it is used, that if any baron, after the election of all the commons, will not be obedient to do the office of sworn men, the bailiff, with all the commons, shall go to his house, and the same unobedient person, his wife, his children, and his servants, shall put out, and make fast the windows, and seal the doors, and sequester his goods and chattels; and so he shall abide, until the time that he shall be justified, for to do the office of the sworn man. And if the sequestration of the commons be broke by him upon whom the sequestration

is made, or else by any of his friends, then the trespasser shall be arrested, and put into prison, without any deliverance to be made, unto the time he hath made agreement to the commons, for the breaking into his house.

3. *Method of receiving a Bailiff.*

Also it is used, that what time there is no bailiff within the town, the archbishop of Canterbury shall send a bailiff; the which shall come with a commission, sealed with the great seal, together with a letter of attendance to the jurats of the same town; and the same commission and letter of attendance, in playn court, together by the blowing of the common horn, shall be read. And over that, in the same court, the said bailiff shall make his serment to the common charge, by one of the sworn men in the town, in this manner, or else he shall not be received.

4. *The Bailiff's Oath.*

I A. B. assigned by my lord of Canterbury for this port and town, shall maintain the franchises and usages of this town, and have attachment and executions, and shall make, after the warrant, an indictment of the barons of this town. And God me help, and all Saints.

And if the said bailiff bring a commission, sealed with another seal than the great seal, he shall not be received. Also, if he bring no letter of attendance, he shall not be received. And when the vacation, our Warden of the Five Ports shall send a bailiff, with a commission, and letters of attendance to the sworn men, and sealed with the seal of office; and the said bailiff shall be sworn, and his commission and letters of attendance shall be read, in open court, as it is abovesaid; and that is for to wit, that when the bailiff is sworn, he may take a servant, a deputy, or a sergeant, under him, for whom he will answer; the which shall be sworn as aforesaid.

And in case the said bailiff do other execution than the sworn men have judged, against the usage of the town, the which is in his serment

made to the comen the day of his receipt, he being distrained by the sworn men, cannot be discharged, untill he have paid, in sterling to the comen, ten pounds.

And if he hath nought where to be distrained, within the franchise, to the value of ten pounds, be it arrayed before our warden, at the charge of our Lord the King, granted to all the barons of the ports, in manner as follows; that they were not unjustly to distrain them, under a penalty of ten pounds; and also he shall make agree to him whom he hath done the wrong.

5. *Holding of Pleas.*

Also it is used, that the bailiff and the jurats may determine the execution of all pleas, real and personal, each in its kind, except the points belonging to the court of Shepway. And which plea real shall be determined in the hundred, and plea personal in the court. And it is for to wit, that the jurors shall have the awards and the judgment, and the bailiff shall have the execution after the award.

6. *Plea of Life and Members.*

Also it is used, in plea of life and members, in case where a man is found dead within the franchise, by adventure, either else be dying, (the which franchise extendeth without the town and port aforesaid, beginning at the entrance of the haven, unto a certain bound, called Rend-hill, beside Appledore,) the bailiff of the town, as the coroner, shall go and oversee the body, and ensearch that; and after he shall take an inquest of the next neighbours, and he shall put them in ward, so that no other man come to them, untill the time they have certified how, and in what manner, and by what armour, and by whom he came by his death; and this be certified to the said bailiff, as coroner, under the seal of them that were in the quest.

And if any man be indicted by that inquest, of the death of this present body, be he taken by the bailiff, if he be found within the franchise, and put in prison, and all his goods and chattels be arrested,

by the sight of good and true folks ; but the bailiff shall nought alien, until he is convicted, and his goods be forfeited ; and if he be acquit, he shall have his goods again restored. And else, as soon as the same be indicted, he which is in prison may, after his prisonment, find sufficient mainpernors for to be at law. The bailiff shall let him go to the next hundred ; at the which hundred the indicted shall come, and shall be arrayed of felony ; and proclamation shall be made by the bailiff and jurats, that if any will come for to present, in due form, against the indicted abovesaid, that he come. And if none will come to pursue, be that returned as it was before, until proclamation be made, in the same form, in other two hundreds afterwards ; and if none come at the thirld hundred, nor in the mean time, that will pursue against the indicted, let him go quit of his indictment. And it is for to wit, that none hundred shall be held after other, unless there be fifteen days between.

And if any come to pursue the appeal against the indicted, finding the bailiff sufficient mainpernors for to pursue his appeal ; and if he may nought find sufficient mainpernors, the same the bailiff [shall put] in prison, for to be arrayed of felony, unto his appeal be tried, and then be the indicted arrayed of felony. And if he denied his felony, be that charged by the bailiff and jurats, for to have his acquittance as follows, viz. thirty-six men of his purveyance, good and lawful men of the realm of England, that they be ready, at the next hundred that shall be assigned (after that the parties be agreed) of neighbours ; and that he shall be, at the next hundred, sent unto the parties. The which thirty-six men aforesaid, after the indictment, shall take their names written to the hands of the bailiff, and the clerk shall read the names, and call every man by his name ; and if any of the thirty-six men default, and answer not to the appeal before the indicted of the felony, be he judged to death. And if the thirty-six men be all ready to quit him, the bailiff, on the King's behalf, shall take twelve of the thirty-six men ; and the barons of the town of the

royal franchises of the Cinque Ports, shall take other twelve men ; and the bailiff shall take twelve of the thirty-six, which he will, for to make him quit ; so that the said indicted person in the appeal shall swear first, without condition, that he is not guilty of the felony upon him put, so God him help ; and he shall kiss the book ; and so shall the twelve men, every one by himself, first word by word, without any condition, shall swear as the appeal hath sworn.

And if any of the twelve men make any condition on their oath, or withdraw their hand from the book, the indicted after the appeal, be judged, for to wit, to the gallows.

And if the appealed and the indicted in playn hundred make any knowledge of felony, and it is for to wit, that the bailiff, in case of condemnation, shall find the gallows, and the rope, and the suter ; and he who maketh the appeal shall find the hangman. And if he may find neither, that he do the said office himself ; and he shall keep the felon unto the time that he will do that office, or else find the hangman. In case that the appellor withdraw the said appeal, other else that he be acquitted, that the appellor shall be put in prison a twelvemonth and a day, for making the appeal. And also, by the discretion of the bailiff and jurats, the appellor shall reward the appealed for the time that he hath been in prison ; and of the restoring of his cost for his false appeal, he shall make fine to the King. And if the appellor be not found within the franchises, his boroughs shall make agree to the party that is appealed, by the judgment of the bailiff and the jurors, in the manner abovesaid ; and also a fine to the King. And if his boroughs be not found, or else that they be not sufficient within the franchises, the bailiff shall answer to the appeal as above.

7. Of Sanctuary.

Also it is used, that when a man fleeth to holy church, the bailiff, as coroner, shall come to him, for to examine him concerning the cause of his flying ; and if he will his felony be known, be it enrolled, and anon he shall lose all his goods and chattels, all is forfeited to the

King; and he shall abide in the church, if he will, forty days; and at the end of forty days he shall forswear the land, before the bailiff and the jurors; and he shall chuse his port for to pass. And if he will make abjuration within forty days, he shall be accept thereto. And anon after the abjuration, he shall take the way; and the bailiff shall do cry, of the King be no harm, no heaviness, so long as he keepeth himself in the King's highway towards the port.

8. *An Appeal for an Assault.*

Also it is used, that if any be appealed of felony, touching life and limb, and say on his defence, that what was done was by assault made to him, and in defence, and in salvation of his body, and that be found by his acquitters, go he quit of the felony put upon him. And that it is to wit, that the appellor, and the appealed, have council of both parties; the one to maintain the appeal, and the other to abate it if they will.

9. *Theft.*

Also it is used, that if any be taken with goods, the thief, other the robbed, if of the suit of the party, have he his acquittance; attain, be he judged to death, as is aforesaid. And if the appellor withdraw his appeal, either that the appealed be acquitted, the appellor shall have his penance, as it is aforesaid. And if the aforesaid felon be adjudged, by virtue of the appeal, by the sentence he shall have his goods in his appeal challenged, of which the said felon was seized.

10. *A Person apprehended on Suspicion.*

Also it is used, that if any be taken with goods by way of suspicion, the bailiff, in the presence of good folkes, shall him arraign how he came by these goods; and if he will for to abide, be his warrant that he take them to whom he them bought to abide. The bailiff shall give him a certain day to get his proof, and the day shall be given to him; after that, and afore he go, he shall, in the presence of good folkes, set his seal upon the same goods arrested, and they shall

be left in the bailiff's ward ; and if he that is suspected come to a day to him assigned, with his warrant and his proof, that the goods be his own, by the same person it was vouched, and by other persons, then shall the same goods be delivered again. In case that he that is suspected come not at the same day, the goods shall be forfeited.

11. *Cutting a Purse.*

Also it is used, that if any be found cutting a purse within the franchise, at the consent of the party he lie set upon the pillory ; and after that, at the same consent, his ear be cut off, and he shall be put to a fine to the town, and he shall forswear the town, never to come therein more. And if he be found, another manner of time, in the same manner abovesaid, he shall have the judgment as is abovesaid, and he shall lose his other ear. And if he be found a third time cutting a purse, and it be found that he hath lost both his ears, then he shall bear another sign by which he may be known as a thief ; or, at the consent of the party, be judged to death.

12. *Holding a Hundred Court.*

Also it is used, when the bailiff will hold his hundred, he shall make proclamation, in full court, three weeks before the day of the hundred ; and if they will come the same day, and pursue in any manner of plea, that to which the King's royal power within the franchises, that he keep his day, which day shall be had. But if the fair of Great Yarmouth last, then to have a summons to Shepway.

13. *Pleas to be determined.*

Also it is used to determine, in the hundred, all manner of pleas of lands, at common law ; and all the writs belonging to pleas of lands, shall be written according to the form of the writ of chancery ; except the beginning of the writ, and the date of the same writ, which shall say, I A. B. the bailiff of the town of Romney, and the jurors of the same, &c.

The executions, the returns, and the attachments, shall be pleaded and determined as of common law, except the rent; the which beginning fresh, of which the lord of the same come to the bailiff and jurors, to have a writ upon the same tenement; the which writ is called cessavit, and with us, a stakement.

And, at the next hundred, the sub-bailiff shall return the writ, certifying of his deed; and if that be found, be his return accordingly. If any thing may be found in the same place for to distrain, be that same stakement by the bailiff and jurors, judged as firm to be held until the next hundred; and so from hundred to hundred, till a year and a day. Then, at the next hundred, if any man will come to acquit the same place of the rent, the which is by hand, have he his place delivered by the sub-bailiff.

14. *Taking Distress for Rent.*

Also, every man may make arrest in his house within the franchise, for his rent; or farm with-hold, or with-hold distress, until the full be paid; but he shall not lead the distress out of the franchise. And if he do arrest him, and put him in prison, until that he make agree to the comen for the trespass done against the franchise, and against him that he hath trespassed to. And also that the distress be put in no harm, no noyance of the house, viz. that he shall take no doors, no windows, so long as he may find other distress sufficient, to the value of the rent, or of the farm with-held.

And in case that he who is distrained, disclaim for to hold of him, and upon that he profer wedde and borough, for to do that law of right, be the distress delivered by him who took it. And if the aforesaid profer wedde and borough, in the manner abovesaid, we will not except it; whether the aforesaid be delivered; and let the same distress be delivered by the bailiff by way of plevn, until the next hundred.

And it is for to wit, that when a tenant holdeth of one lord by certain service, and that the same tenant is inclosed, so that the lord

may not have reasonable entry for to distrain for his rent, or service, being behind, it shall be judged in the next hundred, and delivered by the bailiff for to distrain; which entering shall be left open for to distrain when it is need.

15. *Widow's Dower.*

It is used, that no widow be endowed of other lands or tenements within the franchise, than the lands, rents, and tenements, her husband died seized.

16. *Of Waste.*

If any man maketh waste in certain lands or tenements, the which he holdeth for a term of life, or of years, either by dower, and if he confesses that he be attaint; let him to whom reversion belongs, come in to the playn hundred, to make his complaint, the holder shall lose the said lands. For the lands and the rents he shall have no waste. He, the waster, shall make an agreement to pay the treble of that of which the waste was taxed.

17. *Neither Waste nor Strepe allowed within the Franchise.*

Also, that no tenant waste nor strepe no place within the franchise, the which might the same franchise blemish; and if so be, that he who strepe find good sureties to the bailiff and the juries for to amend that, or for to build that new within the franchise; and if that be found, that any make other, or do the contrary, be he arrested till he hath found good surety to amend the franchise, as much as he hath blemished by the strepe; as well as to the suit of them that have the town to keep, and maintain the franchise, as at suit of party.

18. *Falty, Relief, &c.*

Also, no fealty, relief, or other suit, shall be due to no lord of the fee, for no lands or tenements, the which be within the franchise; but all only for to pay their rent and suit as on terms there due.

19. *Proclamation for holding the Court.*

Also, at what hour the bailiff shall hold his court of the town, he shall do blow the common horn, in two times in the morn, in two places in the town, in the market, and at the high cross, for to warn the parties, the plaintiff and the defendant, and other folk of the town, the which hath for to do in the same court, and others which will come thither.

20. *Freemen, and Non-Freemen, to obey the Summons.*

Also every man indwelling within the town, be he free or not free, shall come into court, for to answer his adversary, in all manner of pleas personal, by summons, and that by three days before the court, if that be not in plea of trespass, or plea of account, or plea of chattels taken; the which every man shall come by attachment, and every strange man, in every other plea, shall come by distress.

21. *Courts when held.*

Also, the general court of the town shall be held from Monday to Monday, for certain pleas personal, between freemen of the town dwelling, and between free and not free, dwelling and not dwelling; if it be not that the plea toucheth the law of the free, the which ought to be continued after the charter of Oleron. And it is for to wit, that if any plea be hanging between free and resiant not free, and a stranger; either between a stranger and a freeman, or a resiant, then the court to be held from day to day.

22. *Of Essoins.*

Also, every freeman resiant may be essoined three times, the plaintiff, either the defendant, in every manner of plea personal, except of account, in which lieth no essoin; and every man who is not free, be he plaintiff or defendant, shall have both one essoin.

23. *Restriction on Attornies.*

Also, none attorney be received for to pursue, nor defend any plea, that is attained in the court, if it be not at the request of the

party in playn court, before the bailiff and the barons within the court.

24. Proceedings in Plea of Trespass.

Also, in plea of trespass, that every freeman resiant shall be attached, and put to simple boroughs, without putting into stocks or irons, or in prison, if his boroughs be ready him to borough, if it be not for bloodshed, for to answer to the party plaintiff in court. And if he make a defence, be he arrested anew, and put to better boroughs, without any essoin, and his boroughs amerced. And if he make another defence, be he arrested another time, and put to better boroughs, without any essoin; and he and his boroughs be amerced to double that the arrest or his boroughs were amerced at, as is aforesaid. And so evermore multiplying the attachments and the ameracements, untill that he justifieth to answer to the party plaintiff.

And in the same manner shall every stranger man, not free, be arrested, and delivered to such boroughs as the bailiff shall answer for him, to come to the bar, and answer to the party plaintiff, the plaintiff will him challenge. And if the aforesaid, not free, maketh defence, and the party challenge, and charge the bailiff that he delivers to him such pledges as he will answer, as it is abovesaid; then he these same pledges distrain, to make agree to the plaintiff for the trespass done. And in case that the bailiff is charged, as is aforesaid, that if he take no sufficient pledges, for to answer to the party plaintiff, the same party plaintiff shall have his sentence; and the bailiff, for his negligence shall make agreement to the party plaintiff for the trespass, in the manner as the boroughs shall have done, and that by execution of jury.

25. Proceedings in Assault.

Also, in case of trespass, the plaintiff telling his tale against the defendant, that he is smitten with his hand, have he his acquittance by his hand alone. And in case he be smitten with other thing than his hand, he shall acquit himself with his fourth hand, without any

condition. And if the aforesaid defendant, or any of his acquaintance, make any manner of condition in the charge, or else withdraw the hand from the book in making the law; be the defendant adjudged by the barons within the court; and the damage, as the quantity of the trespass to the aforesaid barons within the court taxed, if the defendant will him challenge. And if the defendant make known, be he adjudged and taxed, as is aforesaid, and the trespasser amerced.

And if the plaintiff's surety of his damage, that the defendant in court is adjudged, the bailiff shall arrest the said defendant, without any fee of him to take, and shall put him in prison, as himself will answer to the party plaintiff, untill that he make agreement to the plaintiff, in that he is adjudged in court.

And in case that the defendant will say, that he was chased by the plaintiff unto death, and that he might not escape, for wall, or for water, for which he did that trespass in salvation of his life, and that may be proved by two or three good and true men, the court will, that he prove that, and be that trespass denied.

26. *Abatement of Arrest in Trespass.*

Also, if any be arrested in case of trespass, that he be let by the plaintiff's plaint, maintaining an abating of the trespass done by any trespasser, the said maintainor or abettor, the which of that trespass to let, out not to answer to the plaintiff; but he shall be delivered to good sureties, as the bailiff will answer to the plaintiff, if the plaintiff will claim it, untill the principal trespasser be denied in the trespass; and then shall the same person which is let, be at his answer against the plaintiff, and be at his acquittance, if he be not guilty; and if he be guilty, be it punished after the manner of the trespass.

27. *Breach of the Peace.*

Also, in case of menasse, that is, where a man is menassed, and the menassee be witnessed between true men to the bailiff, and that he, by the oath of the same man, if the bailiff be the menassor, ar-

rested by the same plaining, and put into prison, as the bailiff will answer that he find sufficient mainprize to the plaintiff for the peace, viz. four good men, of good condition, that the party be kept harmless; and if the plaintiff will have surety of the bailiff by indenture, the bailiff shall make him have that.

In case he that be menassed, be grieved afterwards, be the manassor put into prison, and punished after the quantity of the trespass, or any of his adherents; and the grievance may be witnessed by the manassor, and put into prison, and punished after the quantity of the trespass, untill agreement be made to the King.

In case the menassor, or any of his alliance, be absent, be his undertakers punished in the same manner the trespasser would have been.

28. *Proceedings in Plea of Chattels.*

Also, in plea of chattels being taken, that every man shall be arrested, as is abovesaid, in case of trespass, for to answer the party plaintiff; if the defendant deny the taking, and withhold that, and profer himself for to acquit the court, while that he acquit himself. But if the plaintiff will prove intent, by two good men, he shall be received to his plea, rather than the defendant to his acquittance; and if the defendant make known the taking, and withhold, be he demanded, and tried, as is aforesaid.

29. *Proceedings in Distress taken on Lands and Tenements.*

Also, if a man take a distress upon lands, or tenements, for ferme, being behind, or for trespass done upon his lands, or tenements, and put the distress into pound, and he that is distrained come and profer, that this is allowed him, or else saith, that he oweth nought, and profer wedde, and profer borough, for to have the said distress, and for to do that reason asketh, and that he will not deliver it, but deny it; he, who is distrained, shall go to the bailiff, and say, Such a man, A. B. hath distrained me here, by such a distress, and I him have profered the ferme due, if that be for ferme; or else I owe him

not; and if that be for trespass, I have profered him wedde, and borough, for to do what reason asketh, by the sight of these two men, and he will not deliver me my trespass; for be that ye deliver that, and take my plaint against him of this wrongful taking and with-holding. And the bailiff shall take his plaint, and his boroughs, for to pursue. He the said bailiff shall go to the place, where the said distress is in pound, and shall take two porters, to appraise the said distress; and when it is appraised, it shall be delivered by the bailiff to the said plaintiff, by sufficient surety, as the bailiff will answer for to return the said distress, or the value of the same, in case it be found by law it was duly taken. Then shall he, who took the distress, be arrested, to answer the plaintiff for the wrongful taking, and with-holding. And the said parties shall have a day for to plead, at the next court.

And if the bailiff come there, where the distress was pounded, with porters, for to make the said plevin, as is abovesaid, and may not find, nor have no sight of the distressed, nor any other thing, whereby he might have knowledge of the same, within his bailywick, be it at the next court, at furthest, awarded, at the suit of the party, and take upon him that he be distressed, as abovesaid; and nevertheless to be arrested, as is abovesaid, for to come and answer to the plaintiff.

And in case the party plaintiff make a default, be he amerced for the default, and the distress; other the price of the same be delivered to him that took it before. And it is for to wit, that the same person, the which is distrained, may in after time replevin the said distress, as is aforesaid. But if he make fault the second plevy, be the said distress, or the price of the same, delivered again to the adversary, without any more replevy.

30. *The Distress to be valued.*

Also, it is used, that if such a distress be taken, as that is abovesaid, and he that is distrained will not pursue for the same, then he that

took the distress shall come into court, before the bailiff and jurors, and shall ask the reward, what he shall do with such a distress, the which he hath taken, the which none will come to pursue; and the jurors shall award, that the bailiff, with two porters, shall go and appraise the distress, and see to that value, for trespass is done upon that distress. That proclamation shall be made in court, that such a one, A. de B. hath taken a stress for trespass, and harm to him done, by such a one, and at such a place; and if none will claim the distress, nor come within these eight days next following after this court, and pursue for the same, upon pain that toucheth thereto; and if none come within eight days to pursue, for the same is due from the eighth day he left the said distress, and took that for the harm to him done. And if the price of the distress come to more than the said harms to him done, as is prized, the distressed shall then find sureties to the bailiff, to deliver the overplus to the bailiff, that the owner may essoin within a year and a day next ensuing. And if he will not claim the overplus within a year and a day, the said overplus shall be to the profit of the comen. And it is to wit, that he that took the distress shall find mate, till the said distress be awarded, viz. in the aforesaid eight days, and before that he shall be paid the said distress, either of him who is to take the said distress, if the distress be not sufficient to his harms, and his expence on the same.

31. *Proceedings in Plea of Account.*

Also, in plea of accounts, every man defendant, and arrested, and put into prison, as in plea of trespass, and he shall be delivered of the bailiff to the barons, the which shall undertake for the arrest, for to make him come to the bar to answer to the plaintiff at the day assigned him, without any essoin, or any delay. And if the aforesaid defendant make default, and come not, then his boroughs shall answer to the plaintiff of his action. If the plaintiff tell his tale again, that the defendant hath his receivor, or dispendor, for him to yield account, and shew, that by tale, or other evidence, and the defendant with-say it, that he is not his receivor, nor dispendor, and deny

the tale, and other evidence against him shewn, and profer for to acquit himself, and to his acquittance he shall not be received against his master, if the master will prove his deed by tale, or other evidence; which proof shall only be done by two good men, which saw and heard, the then day, and year, when he became his receivor, or dispensor.

In this form shall the proof be, in every manner of plea after this kind, which be offered. And after that the said proof be received, and the party judged to yield account, the court shall assign two wise men, with the bailiff, to hear the account; at which day the defendant shall come under the bailiff's charge; and if he be found debtor upon the account, he shall remain in prison, untill that he make good unto his master for with-holding of the said account, also in mercy. And if he make knowledge of the receipts, as the plaintiff hath told, be he adjudged as aforesaid, and delivered to auditors to have the account as aforesaid, and also to be put into prison, untill he have made agreement to the King, for cause that he denied his deed.

32. Proceedings in a Plea of Debt against a Freeman.

Also, in plea of debt, every freeman dwelling within the franchise, shall be summoned, as is said in the chapter of summons, and have his essoins, be he plaintiff or defendant, as it is abovesaid, in the chapter of essoins. And if the plaintiff or defendant, be in fault, and at the first, second, or third fault oweth, by a freeman, be he distrained without; and after the third default, the bailiff, by judgment of the barons, and by the sight of the two porters, shall enter his house, and shall take a distress, sufficient to the action of the plaintiff, and hercat _____ first; and sixth fault, be he distrained, and prized, by the sight of good folk, by the commandment of the bailiff, and the barons, and delivered to the party plaintiff, so that he find sufficient boroughs to the bailiff, that he will answer of the distress, or the price. If the party defendant will come within a year and a day, for to answer to the party plaintiff, so that he find sufficient boroughs to the

bailiff, that he will answer for the distress, or the price; if the party defendant will come within a year and a day, to answer to the party plaintiff, so that the party plaintiff have reasonable summons; if the defendant will not come within a year and a day, for to answer unto the plaintiff, be that distress adjudged for ever unto the plaintiff, and he, and his boroughs, discharged.

And if the defendant be no freeman, he shall have but three defaults, and every default be the judgment of the barons; and the bailiff may, without any porters, enter the house, and distrain, to answer to the plaintiff; and in case he come between the third default, be that distress at the fero fault, by the judgment of the barons, within the court taken, and delivered to the plaintiff, as it is abovesaid.

And if the party defendant come to his will, otherwise be distressed, and tell against him, that he is his debtor of six shillings and six-pence farthing, of final merchandize, of him bought in diverse times, and the party defendant deny the debt, the plaintiff shall have his averment against him, and shall have recovery in _____ for withholding.

And if the plaintiff tell against the defendant, that he oweth him ten pounds, or more, and the defendant deny the debt, have the plaintiff his proof, if he will, which is sent; and, if he may not attain his proof, go the defendant quit, and without day. And in case that the plaintiff alledge not suit in his tale, have the defendant his acquittance. And if the plaintiff tell against the defendant, that he oweth him ten pounds, or more, by deed, or tale, the plaintiff shall prove his deed, and shall have his recovery, and the defendant his entry for withholding; and also he shall make a fine to the King, because he withhold his deed.

And if the defendant alledge payment, and have none acquittance, or cannot prove his payment, be he judged the principal, and the damages taxed after the quantity; and if the plaintiff challenge sureties at the bar, have the surety as it is said above, in plea of trespass.

33. Of selling of Lands.

Also, that no manner of alienation of lands, rents, or chattels, within the franchise, shall harm any plea hanging against him, in case any such alienation be done after the plea be attached; nevertheless the said alienation shall not bar his adversary plaintiff of his recovery.

34. Plea of Chattels with-held.

Also, in plea of chattels with-held, if the defendant deny the with-holding, and offer him to acquit the court, which he himself acquits. But if the plaintiff will prove his intent, he shall be received to his proof, rather than the defendant to his acquittance. And if the defendant make knowledge of the with-holding, be it adjudged, and taxed, as is aforesaid, and the surety as abovesaid.

35. Plea of Covenant.

Also, in plea of covenant, the plaintiff tell against the defendant, that he hath broke his covenant, to his harm, telling the said covenant, and the defendant deny; the plaintiff shall aver his covenant upon a book, that he is held not, as he hath told; with him two men shall swear, that his serment is good and true before witnesses, and upon that law then done; then the defendant be judged to hold the covenant, and the damages taxed as aforesaid, and the sureties as it is before, if they be challenged.

And if the plaintiff tell, that the covenant is affirmed by a penny, or by a farthing, that men call good silver, and the defendant make knowledge, and will not hold the covenant, have the plaintiff, for his penny, twenty shillings; and that he be of the farthing, by the quantity. And if the defendant deny the said penny, the plaintiff shall prove his penny with two good men, as is aforesaid, and he shall have his receipt as before.

36. Of Failure in Proof.

Also, in many manors, many men defoyle his law, when it is, that if the principal withdraw his hand from the book, when he is doing his law, or his oath; then may the party, his adversary, ask judgment of him, as non-surety, other not defendant by his skill; that, from that hour that he ought to do, his oath should at all times be ready, without interruption, or contrivance for to do, in every manner. But in withdrawing your hand from the book, you make discontinuance, and forasmuch not ask judgment. And after that ye have done your law, ye kiss not the book; or else, that you with-say the writing in doing the law, being charged; or else, that ye have not so much folk for to do the law, as was returned; or else, that you lead folk with you, which you have convicted in privacy; or else, who were flying the town, for the cause of the suit of our Lord the King; or else, that he hath done against the franchises of the Cinque Ports, for why that he is blemished; or else, he leadeth folk, the which hath been employed in any plea personal, and each of them be at their law, and each man oweth to do. And women ought to help others.

37. Agreement in Court.

Also, it is used, that before the law be done, or a plea pleaded, be assent of the parties. Here they may accord by the consent of the bailiff, and the court; and then shall one of them say in this manner, Sirs, see if we can accord; and they shall go out to make accord between them; and peradventure one of them shall wage his amends, after the parties shall come in; and one of them shall say that, Sirs, T. de T. and W. de R. lie accorded, that W. de R. shall give to T. de T. two shillings, more or less, for to have his sufficiency; and he shall forgive, as in manner settled between them, for to pay two shillings, on such a day; and W. de R. shall withdraw the court.

38. *Of Amercement.*

Also, in every manner of plea, except in plea of lands, shall every freeman be amerced at three-pence, and no more; and free resiants at six-pence; and every stranger, at the will of the bailiff.

39. *Relations, Trustees to Minors.*

Also, in case man or woman, free residents within the town, have children between them, freely begotten, and the father and the mother die, or the father die, and the mother take another husband, or else he leaveth a widow, and the goods, and the chattels in the hands of the executors, or the ministers there found within the franchises, be the juries arrested, and also all her children's demesne distrained, untill they have thereof known of the chattels, the which ought of right to come to the children, as well as the part of the proportion of the bequest; and when they have known of the quantity of the said chattels, they shall deliver that to him as is next of blood, and furthest from heritage; who shall of right have the ward, if he will pursue, finding sufficient boroughs; and he, and the same boroughs, to find sufficient men, sworn in the name of the comen, to be executors, for to answer to deliver to the children their chattels, when they shall come of full age; and of her lands and tenements, which be within the franchise, without strepe, and waste, to keep. And this bond shall be made by indenture, in three parts, and dated, with the common seal; and hereof one part of the indenture shall be left in the comen, and the second part of the indenture shall be left in the hands of the executors, and the third part in the hands of those who have the children in ward. And in case that he, who is next in blood, will pursue for the children for to have the ward, and for to answer, as is aforesaid, the sworn men, in maintenance of the franchise, their chattels, their lands, and their tenements, shall deliver to another good man of the town to be surety, as aforesaid. And then be he who is next of blood, be for evermore excluded, for cause of none surety, or for

cause of none sufficient pledge; and then he that is bound principal, or his boroughs, make alienation of their lands and tenements within the franchises; after that the lands have alienation, it shall not bar the children of the recovery.

40. *Distraining the Goods of a Person leaving the Franchise.*

Also, if any resiant be impleaded of any, and that he be avoid-
ing the town, before the plea be determined, and the same voiding be
witnessed to the bailiff; if they be good and true men, the bailiff,
without judgment, shall take porters with him, and him flying shall
distrain, as well his goods within, as without, be all the goods and
chattels that he may have, to make him come and answer to the plea
at the day assigned him.

41. *A Stranger in the Town to pay double Scott.*

And it is used, that if a strange man dwell in the town, he shall
pay to the comen to every scott assessed within the town, the double
that a freeman will pay.

42. *Granting Freedom of the Town.*

Also, it is used, that if a strange man, of good life and conversa-
tion, be dwelling within the town, and desire for to be freeman of the
town, the jurats may grant the franchise, paying to the comen as they
may accord. And when they be accorded, he shall be charged on a
hook, for to maintain the franchise with his body, and with his chat-
tels, and for to be true in all points, and to keep the comen council,
and to be obedient as another freeman; and that he hath a proper
place, price forty shillings, within the town, within the year next en-
suing, by which he may be distrained, and justified, upon pain of
forfeiting the franchise. And when he is thus sworn, the comen clerk
shall enter his name on paper of the comen, to witness the same grant;
and all his rylazin [family] freely together, after that same day of
grant, move, claim, and enjoy, for the franchise, by that same grant.

But if he have any child before that day of grant, or else, that he get any child, otherwise than in spousehood, he shall not have the franchise by the same grant.

But if it be of new grant, viz. the jurors may not grant the franchise to a strange man, if he be not resiant within the franchise.

43. *Letters of Franchise.*

Also, it is used, not to grant a letter of franchise, longer than two years; because a combaron, having letters perpetual, may be robbed of his letter, and the robber make use of it to his own advantage, in every port where he come, to the great harm of the King, and the blemishment of the franchises.

44. *The Town-Clerk to write the Letter.*

Also, that no clerk be suffered to write any letter to the comen seal, but the comen clerk, that is chosen to serve the said comen, and is sworn to the office.

45. *Merchants claiming.*

Also, that every freeman may claim part of every manner of merchandize, if he be at the beginning; if it be not so, then the principal merchant can say nay, that he ought not to receive part, for this cause, that he is no freeman of the franchise; or else, that he is flying some town, for the cause of service of our Lord the King; or else, that he hath done against the franchise of the Cinque Ports, by which he is blemished. No strange man, not a freeman, shall receive a part among those freemen, against their wills, as it is shewed in the charter of our Lord the King, to us granted; but a freeman of the town shall have the half, at the price he hath bought it, if he claims it.

46. *Forestalling.*

Also, of any man, of what condition soever he be, that be found forestalling the market, by land, or by water, be he the buyer of corn, fuel, timber, fish, flesh, or salt, or any other merchandize, coming to-

wards the market, in hindering our Lord the King, and his people, and he therefore be attaint, by the said things which he hath so bought, be forfeited to the King, if they be found within the franchises; and the said buyer be arrested, if found within the franchise, and punished by our Warden of the Cinque Ports, after the tenor of the charter of our Lord the King, to us granted, by which he maketh mention. And we prohibit any from unjustly disturbing the market, under the penalty of ten pounds.

And if a resident freeman be found guilty in this case, let him be amerced, the first time, twenty-one pence; at the second, forty-two pence; and the third time, be he amerced seven shillings; and if found guilty the fourth time, forswear the town a year and a day, or else make the fine. And in case that he be no freeman, be he amerced, at the first time, forty-two pence; at the second, seven shillings; at the third time have the pillory; and the fourth time, forswear the town, as above, or else make fine. And this pain remaineth upon all main-tainers, as well as the forestallers, if they be attaint upon it.

47. *Holding of Markets.*

Also, that no man pursue no stranger, nor hold any market, before sun-rising, nor after sun-setting, except fishermen coming off the sea, which may sell their fish between sun-rising, and the clock of the curfew, and upon pain of forfeiting the merchandize so sold; and that forfeit shall be to the seller and the buyer. And it is for to wit, that the profit and the loss of the fish shall belong to the comen.

48. *Obligations.*

It is used, that if A. de B. come into court, and make known before the bailiff and the barons, that he is there bound in a certain sum, more or less, for to pay at a certain day to A. B. or else to hold such a covenant, and in what manner the knowledge be made in court, it shall be entered on their rolls, paying to the clerk for his trouble; and if the said A. de B. will with-say the said recognizance, it shall be told

against him. If a strange man shall make such knowledge in the court, and hath not whereby he may be justified within the franchise, the jurors, at the suit of the plaintiff, ought to write to the bailiff or good folks of the town or city that he is dwelling, to be witness of the recognizance.

49. Final Concord.

And it is used, that when man or woman deliver up lands or tenements within the franchise, or any other right, as by fine, by which it is needful to have the common seal of the town for record, the bailiff, in the presence of the barons, shall examine the party defendant in playn court, in the manner as they do at common law; and he that shall pay the price for the lands, shall pay to the comen, and the clerk, the fees due; and therefore shall be made an indenture, whereof one part shall be left in the town, for witness of the same, and the second part shall be left with the trustee, sealed with the common seal. And in case that the same defendant may not travel for sickness of body into the court, the bailiff and the jurors shall go and examine the said party, and receive the recognizance, as is aforesaid.

50. Jurors may make a Distress without the Bailiff.

Also, the jurors may, by virtue of their office, take a distress, and sequester, without the bailiff, for debt due to the crown; and so may the sergeant, by command of the jurors.

51. Jurors may make Attachment.

And also, the said jurors make attachment, without the bailiff, upon all them that they find rebels, touching the service of our Lord the King; and in all other points, which toucheth the commandment and the profit of the comen franchise of the town. And these same rebels, after the quantity of the trespass, to be punished.

Also, if any fighting, or debate, be done in the presence of the jurors, the jurors may attach the parties in maintenance of the peace of our Lord the King, and them lead to prison, and be delivered to

the bailiff, with the cause ; and the bailiff shall them receive, and put into ward, untill both the parties have found good sureties of the peace, and upon that be they delivered ; and the bailiff's sergeaunt shall have his fee of both.

52. Keeping the Peace.

Also, the bailiff and barons of the town may ordain certain ordinances for the profit of the comen, upon certain pain, the which shall be received for the comen profit, if they be broken.

53. Taking a Clerk.

Also, the jurors may take a clerk, and an assistant, as they may between the said jurors, and the clerk, and assistant agreed and bargained ; the which clerk and assistant shall be sworn, that they shall be true to the town of Romney, and that they hold the common council ; and also, that the said jurors may take, in every ward, eleven servants or assistants, which they will, for to gather their collars in their ward, by their order ; and to this they shall be sworn, without any bargain to take of the comen.

54. Assaulting the Sworn Men.

Also, if any man mis-say the sworn men, or any one of them, or set his hand upon them, whereby the peace of our Lord the King is troubled, the bailiff shall have power to arrest him, and to put him in prison, without any deliverance, untill he hath made agreement unto the comen, by taxation of other jurors. Also, that he be not delivered, untill that he hath made agreement with the other jurors, to whom the trespass was done, so as they may accord between them ; or else, by taxation of other jurors ; and the same of the clerks, and other servants.

55. *Magistrates, &c. may hold Taverns.*

Also the bailiffs, jurors, and other ministers of the town, may hold taverns of wine and ale, and retail merchandize, notwithstanding their office, so that they do not sell more dear on account of their office.

56. *Of an Order from the King, or the Warden.*

Also, at what time our Lord the King, or his Warden, sends his command to his bailiff and the barons, the bailiff shall not break the commandment; but, if to be, unless he be in the absence of the jurors; nor the jurors, unless he be in the absence of the bailiff. But if it be that the commandment come directed to the bailiff, or to the barons, if that be charged, the bailiff shall blow the common horn at every corner of the town, and shall read the commandment in the place where they hold their court.

Also, no other bailiff shall be suffered to bear the yeard in attachment, or other execution done within the franchise, but the bailiff of the town, or the minister of our Warden of the Cinque Ports; and that in fault of right also be reasonable pass and warrant.

57. *Weighing of Bread.*

Also, when the bailiff likes to take bread of bakers, the bailiff shall take two barons resident on the part of the King, that they go with him to take the bread; viz. the bailiff ought not to enter the demesne of any freeman to take bread; but the said barons shall enter, and take of every man such one loaf of bread, and deliver to the bailiff; and when they have thus taken the bread through the town, one of the barons aforesaid shall fill the sack in the which the loaves are gathered in, untill they come to the court; and then the bailiff shall blow the common horn, in four different parts of the town, to assemble the people and the bakers, to pursue for their bread; and when the bailiff is come into the court, and the bread with him, he shall charge

six of the most worthy folk within the court, to go to certify, by their allegiance which they owe to the King, of the most nice the mean price, and the least price of the wheat the last market day ; and when the said jurors and barons be certified of the wheat, they shall weigh the bread by the mean price after the statute. And in case that the bread of a freeman resident poise less of assize than two ounces, be he amerced at twenty-one pence, and his bread forfeited ; and at the second time, forty-two pence, and his bread forfeited ; and at the third time, seven shillings, and his bread forfeited. And if he be no freeman, to be amerced every amercement double. And if any baker be attainted more than three times in a year, be he amerced at the will of the bailiff ; or else his oven shall be broken, and he forswear the craft a year and a day. No bread shall be weighed even balance, nor weighed after assized by the bailiff.

58. *Letters from the Mayor to recover a Debt.*

Also, it is used, in case that a freeman resident have need of a letter of process of the comen, for debt, or for covenant, to him due, or for trespass, to which city, borough, or town the said debtor or trespasser be dwelling, the aforesaid defendant shall come to the jurors, and say, Sirs, I mean to have letters of the comen for such a debt, covenant, or trespass, as N. oweth me by, as it is shewn by a certain exaypt, [deed,] or by tale, or of other merchandize of me bought, the which is recent, and justifiable in such a city, borough, or town ; and upon this the jurors ought, of right, to grant their letters, founded upon his suggestions, upon paying the fees to the chancery clerk, and the comen clerk. The first letter shall go to the mayor, bailiff, or citizen, of such a city, borough, or town, that if he likes to examine, and, if it be necessary to justify their justifiable, such a one, A. de B. of so much silver due to our comen upon C. de D. as he saith. And if at the first letter they do not, the said jurors shall send their second letter to the said city, at the plaintiff's cost, and if they will do none execution, nor

return upon their letter, then he shall have their third letter; to which if they do nothing, as is abovesaid, the aforesaid jurors ought to take a distress upon the next coming of any of the said city, for default of a return.

But nevertheless, by the courtesy of the Cinque Ports, the same distress shall be delivered again to that the same person, upon the said distress, upon swearing upon a book that he will go home, and certify to his mayor, or the bailiff, or the citizens, that he is distrained at such a place, for default of a return of such letters to him sent, for such debt, covenant, or trespass.

And if they do nothing at this certifying of them, then the said plaintiff shall come afore the jurors, and swear upon a book, that his action is good, and true, and that he hath delivered the said letters of the comen as he ought; and upon that suit of the plaintiff shall the bailiff, by assignation of the said jurors, take a withernam upon whom there shall come from the city. And in case that these citizens absent him, or withdraw him with his chattels, from our town, the jurors, at the suit of the said plaintiff, shall send their letters to every town of the Cinque Ports, and their members, recording their process, the which they have made and recorded, by virtue of the same process, for to distrain all the citizens of the said town, and withhold the distress to our combaron, untill he be fully paid, as well his costage that he hath had, as of his chattels; and at the first arrest, the bailiff is to take no fee or amercement.

59. *Barons of the Cinque Ports their own Brokers.*

And if any of our Barons of the Cinque Ports come into any city, or borough, or town, in the time of fair or market, or at any time, and he be distrained, so that he dare not sell or buy his merchandize, nor take a distress by the lord of the franchise, for custom or toll, or any other cause, the which may blemish the custom of the Cinque Ports; the baron which is disturbed shall come to the jurors, and shew his

grief; upon which plaint, the jurors shall send to the lord of the franchise; to request him to deliver the distress, and then to settle for such wrong done to the franchises of the Cinque Ports; and in case he will not deliver the said distress, nor reasonable cause return to the jurors, let his letter be a withernam to take him up, and upon all his tenants and his retinue, untill that he will deliver his said distress, and make agreement for the trespass, after the points of the charter made to us. No withernam be taken in any case, after that it is awarded that he is pursued.

Also, every freeman, resident within the franchise, may distrain, in the absence of the bailiff, his foreign debtor, be his chattels there found within the franchise, and deliver it to the bailiff, with the complaint; and the bailiff shall receive the distress, and give him a day to appear to his complaint. And thus may a freeman take a distress, in the manner aforesaid; nevertheless he may not deliver it without the bailiff.

Also, if a wedde be laid to a resident freeman within the town, for to quit at a certain day, and that is not done, he that hath the wedde in keeping after the said day is passed, he shall come into the court, before the bailiff and the barons, and shall make award what he shall do with a wedde which he hath in his keeping, the which ought to have been quit out at a certain day passed. And the barons shall give for their award, that he warn the party who laid the wedde, that he come within eight days for to acquit his wedde; or else it shall be laid up in playn court, and there it shall be _____, and the defendant shall have all the day to acquit his wedde. And in case that he come not at the said day, it shall be delivered to the party plaintiff for his debt, and the price of the wedde; if the said wedde be more than the debt, the plaintiff shall find boroughs to the bailiff and the barons, to make delivery of the balance of the price to the defendant. And in this case lieth no amercement.

60. *Proceedings on Bonds.*

Also, that the borough of any debtor shall not answer in court, nor judge against him that he is bound for, as long as the principal debtor be sufficient within the franchise for to hold.

Also, if a strange man dwell in the town in a suspicious place, the jurors, with the bailiff, shall send for his host, and shall ask, if he will undertake for him to govern, and bear him, as a true man; and if he will, grant him thereto, and he shall be suffered to remain; or else, he shall avoid the town within three days. And in case that he which is held suspicious say, that he is a man of good fame, or good condition, he shall have reasonable day to get out of his country a letter of good conversation, under the authenticated seal; or else, under twelve seals of the most worthy men of the town where that he dwelleth, as a man of good fame and good condition.

61. *Flemings not to buy Merchandize.*

That none of the Flemings, nor none other alien, shall take any merchandize out of the town to buy, untill he hath merchandize in the town to sell. And it is to wit, that no Fleming, nor any other alien, shall either sell, or buy, until he hath left with the bailiff the custom.

Also, if a purveyor of our Lord the King come with a commission of our Lord, to take the victuals, or carriage, within the town, he shall not be received, nor suffered to do his office; nor any manner of attendance shall the bailiff or the barons do to him, unless he hath brought a writ of attendance from the warden; or else, that his commission speaks as well with the franchise of the Cinque Ports, as without; and yet he shall have no manner of victuals, or carriages; but if he takes by true men, and delivered by the bailiff, or by any of the jurors, and that by tale, of the price between the bailiff and the jurors, in the name of him from whom the provisions were taken, and the said purveyor engaging payment.

Also, the said barons claim for to use all their laws, usages, franchises, and acquittances, the which they, and their ancestors, the best wise, most plenty, and most worshipfull, have used in times of Kings of England, by their charters of the Kings of England, to the said barons granted.

62. Bailiffs and Jurors, Judges in all Pleas.

Also, in all manner of pleas, real and personal, of which in this book there is made no mention, have the bailiff and the jurors, which be judges in the town of their returns of the common law; upon which be all the laws founded, according to the common law.

63. Receiving the Warden.

Also, at which hour our warden of the Cinque Ports, either by the will of our Lord the King, by his letter patent, another warden hath sent, he is wont to send his letters to the bailiff, that he will be on a certain day at Shepway, forty days before; and then the bailiff shall blow the common horn of the town, to assemble the comen, and the same letter, in the playn assembly, shall be read, and six wise men, with him, to appear before the warden, together with other barons of the Cinque Ports, to hear of the said warden his commission read of his office; and one of the mayors, with the assent of the other barons of the ports, shall say to him, Sir, of custom it is, that every warden, at his first coming, shall swear, by his liegeance that he oweth to our Lord the King, and by his knighthood, the franchises, and the usages of the Cinque Ports, by his power, he shall keep and maintain. And no more done that day.

And when the warden like to have an assembly of the Cinque Ports, and do that which belongeth to his office, he shall send his letters of summons, as is abovesaid, that the bailiff, and six barons of Romney, come before him, at such a day, at Shepway. If the court be not summoned forty days before, neither the mayor, bailiff, or jurors, shall go, nor be blamed, nor amerced.

Also, no court of Shepway ought to be holden, unless the warden be there in person, and with him the mayors and bailiffs of the Cinque Ports, to inquire first, by twelve barons there sworn, if any have spoken treason against the King, or counterfeited the King's seal.

64. Of the Coronation.

See the Customal of Dover, section 37, page 266 of this volume.

Also, it is to wit, that the usages, all in the manner as they be here-before written, were thus returned in the Castle of Dover, by the command of Sir Roger Mortimer, Constable of Dover Castle, and Warden of the Cinque Ports, on the morrow after Saint Michael, in the thirtieth year of the reign of Edward the Third; and all, at that same day, returned every town of the Cinque Ports their usages, which they claim for to use within themselves. Amen.*

* The language of this paper appears to be very different from that of the other Customals; and seems to justify the Supposition, that it is a more ancient transcript from the original translation. In some instances, to render the sense more perfect, a few words have been introduced between crotchets; and such words as were not legible are left blank. The reader will also find, at the end of the Customals, an Explanation of some of the obsolete terms here made use of; but there are still many passages which are obscure, and difficult to be understood. The Author does not feel himself justified in giving these passages a more modern form, and he has therefore suffered them to appear in the same language he received them.

THE CUSTOMAL
OF THE
TOWN AND PORT OF RYE.

*These have been the Usages of the Mayoralty of the Town of Rye, used
Time out of Mind, which Men's Minds cannot think the contrary.*

1. Chusing of Mayor ; when and where the Mayor shall be chosen.

That every year, the Sunday next after the feast of Saint Bartholomew, all the men of the comonalty of the town, shall be assembled at the church, being within the church-yard of the parish of the same Rye, and there, by the whole commonalty, shall chuse them a mayor.

2. If the new Mayor be not present, the old shall continue till he be.

If the said mayor, who is elected and chosen, be not present, to accept and receive his charge, the mayor which was before shall not be discharged from his office, until the time the mayor which is chosen be charged by his predecessor.

3. If the Mayor refuse.

And if the new mayor, so chosen and elected, will not take his charge, but refuse it, the whole commons together shall go beat down his chief tenement ; but if the new mayor which is elected be present, and will accept his charge, he shall be sworn as follows.

4. The Mayor's Oath.

Ye shall bear faith to our sovereign Lord the King of England, and to the commonalty of the town of Rye, and the franchises and

usages of the said town righteously shall maintain, and the common of the same keep, and right to the poor, as well as to the rich, do administer to your power. So help you.

5. Election of Mayor, if the other die before the End of the Year; and the Election of Jurats.

And if the mayor die, before the day come for the election, the jurats shall doe their common bell to be rung, whatsoever time of the year it be, for to assemble their commons, for election of another mayor; which, when elect, shall occupy the office untill the next day of election. Also the new mayor, the day of his election, shall chuse twelve jurats, of the prudence of all the commonalty, which shall swear unto the King all such oath as the mayor hath sworn; and if there be any which should be chosen, at the calling of the mayor, and refuse so to do, he shall incur, and fall into the pain abovesaid of the mayoralty.

6. Election of the Common Clerk, and his Oath.

Also, the said day and place aforesaid, the mayor and jurats forthwith, with the assent of the said commons, shall chuse them a common clerk, which shall swear in these words.

I shall faith bear unto the mayor and jurats, and the commonalty of this town of Rye, and truly their secret council shall keep, to my power. So help me.

7. Election of Sergeant, and his Oath.

Also, the same day and place, the mayor shall chuse him a sergeant, which shall make his oath, that he shall faith and truth bear unto the mayor and commonalty of the town of Rye; true arrests, and true entrance make, with the common clerk, of all arrests that he shall do, as it appertaineth, after the usage and customs used within the said town and franchises in times passed.

8. *The King's Bailiff, and his Oath.*

As touching the King's bailiff, it is in his will to remove him at his pleasure; and in case the bailiff die, or the King remove him from his office, and make another, then shall the King make a commission, with letter of attendance, directed to the mayor and jurats, under the seal of his court of chancery; which bailiff shall shew his commission to be read; and then the mayor shall take him his oath and charge, under these words.

By the allegiance you owe unto the sovereign Lord the King, you shall do execution and righteousness, without blemishment of his town of Rye, and franchises, after the usage and customs in the same town used. So help you.

9. *Election of the Bailiff's Sergeant, and his Oath.*

And then the said bailiff shall elect him a sergeant, for the which he shall answer; the which sergeant shall make his oath to the mayor and jurats, in the form following.

I shall be good and true unto my sovereign Lord the King of England, and his heirs, and to the town of Rye, and the commonalty of the same. All arrests I shall truly enter with the common clerk; and all other things belonging to the office of bailiwick of this said town of Rye, within the franchise, and shall truly execute, without any blemishment of the franchises, to my power. So help me.

10. *Of bearing the Rod, and not sworn Sergeant.*

And if any one bear the rod as sergeant, and hath made no such oath, he shall be taken by the commons as no sergeant, untill he hath taken his oath as abovesaid.

11. *Collector of the King's Petty Customs.*

And the bailiff and his sergeant shall take the King's petty customs in the said town and franchises, as it further appeareth by the Customal

12. *Of the Coroner, and his Office.*

And if any man be found dead within the franchise by adventure, or be any bodies dead on land or water, the mayor shall have the first sight of the body, as coroner; which mayor, by his sergeant, shall do the county, to come before him, in his franchise; out of which county he shall take an inquest. And if any man be indicted of the same inquest of the death of the body which is present, the mayor shall attach the person so indicted, if he may find him within the franchise; and if he be found, he shall remain in the mayor's ward and keeping, within the franchise; but as soon as he can, after his imprisonment, he may find sufficient mainprise to appear unto the law.

The mayor shall deliver him unto the mainprise, untill the next hundred which shall be ordained before the said mayor; at which hundred he who is so indicted shall come, and stand before the countie in the manner of a felon; and proclamation shall be made by the common clerk, at the commandment of the mayor, that if there be any that will come to pursue, in the form of the law, against him that is indicted of the felony as aforesaid, let him come in due form of law, and he shall be heard; and then let him that is so indicted be returned in like case as he was before, untill the time that his proclamation in such form be made the hundred after. And if there come no man in the third hundred to pursue, he that is indicted shall then be void, and quit from the said indictment.

13. *Appeal of Life and Members, and Pain of Appellation.*

And it is to be understood, that no hundred shall be holden after another, less than fifteen days assunder. And if any man come to pursue against him that is indicted by appeal, he that is indicted shall be arraigned of the said felony; and if he forsake the felony, he shall be charged by the mayor unto his having acquittal, under the form ensuing; viz. he shall charge, at his own jeopardy, thirty-six men, the King's true leige men, of good fame, which shall be ready at the next

hundred that unto them shall be assigned, and with thirty-six men shall put the appeal into the mayor's hands ; and the common clerk shall read the names of the thirty-six men, and make every man answer to his proper name ; and if any of the thirty-six men that shall stand before the countie, or common assembly, be in default, or be present and will not answer, he that is appealed of that felony shall be adjudged unto death. And in case every man of the thirty-six men as may be called answer to their names, as it is used and accustomed, by the King's grace the mayor there shall be left twelve of the thirty-six men aforesaid ; and of the grace of the mayor and the jurats, other twelve men, so that the mayor shall chuse which they will, that shall swear with him, that is appealed, that he is not guilty of the felony which is to him imposed. And he who is appealed shall first swear upon the book which is to him imposed, as God will him help, and so he kiss the book. Afterwards must be called the twelve men, to swear with him as they are called, every one severally by himself, that the oath which he who is appealed hath made, is good and true ; and that he is guilty of nothing that is against him imposed ; and every man so kiss the book.

And if they do so, he who is appealed shall be quit. And if any of them withdraw him from the book, he that is appealed shall be put to death. And if he be quit by the quest, then he who was appellant ought to be attached, and all his goods in the town ; and he must be hanged upon the Saltness, on the east side of the town, behind the salt water of the town.

14. *Excution of Felony.*

And, when he who is appealed is adjudged to death, immediately after judgment, he shall be committed unto the bailiff, or his deputy, to see execution ; and he shall do him to be hanged in the place aforesaid, or other place, where it shall appear to the mayor and his brethren, within the franchise.

15. *Trial of Pleas of the Crown within the Franchise.*

All manner of pleas of the crown, life, and member, to be determined within the said franchise, before the mayor and jurats, every plea after its nature; reserved, the appeals of treason against the King's person and realm, for giving of false money in the King's coin, and counterfeiting the King's seal, which appertaineth to the court of Shepway. And all manner of such pleas of the crown, life, and member, ought to be holden in playn hundred within the town.

16. *Appeal of Life, and Member; and Acquittal thereof.*

And where any man appealeth another, in plea of life, or member, the mayor ought to attach the body of the defendant. He must have pledges of the appellant, to shew his said appeal; and if so be, that his appeal be such, that therein it lieth loosing of life, then the mayor must so attach, and sequester all his moveable goods within the franchise, of him that is appealed, by the oath, first, of the mayor, and any of the jurats; and the mayor shall not alien any of the goods; but if he be committed, then all his goods be forfeited to the town, and all his house rents and possessions, being of the franchise, shall be in the mayor's hands, for a year and a day, and then to return to the heir of him that is appealed. And if no heir, then to the tenant of the lord of the fee.

And when the appellant, and he that is appealed, be come before the mayor and jurats, in the aforesaid place, the mayor's sergeant shall stand, holding him that is appealed; and when he must to his appeal, he must be loose; and then the mayor must rehearse unto the men that shall be present, the cause of his attachment. And then the appellant shall appeal as he may; and the appellant shall in no wise be absent, when he declares against him who hath so appealed.

And if it be so, that he who is appealed against saith, the appeal against him declared doth shew, that in no wise he is culpable of that which the appellant doth put upon him, and he will acquit it after

the manner of the liberty ; then it shall be adjudged him, that he be, at a certain time, which unto him shall be affirmed, he shall have thirty-six men, as aforesaid ; and his day ought to be assigned, who is appealed. And if he be a stranger, then no time ought to be refused unto his acquittal ; whether he be neighbour, or stranger, if he be known good, and true.

17. *Appeal of Theft, and Goods in his Hands.*

And if, in an appeal of theft, and robbery, any man be found having the said theft, and robbery, in his said seizure and possession, he must find his warrantor at a certain day assigned him, at the which, if he have not his warrant, he may not acquit himself. And if any man come, and verifieth the things to be his own, or else sheweth that he hath taken them, then the first man who was appealed, and the second, in the stile of the first, as this is in common law. And in like case, when any man calleth his warrants, he that is found seized of the same theft, and sheweth the things to be his own, by such space of time, as his own true chattels, and that he is not culpable of that which is put upon him, and if he may so acquit himself by thirty-six men, as is aforesaid, he saveth himself, and chattels.

18. *Of taking Sanctuary.*

And when any man taketh the decree of the church, the mayor, as coroner, shall go unto him, to inquire the cause of his coming to Holy Church ; and if he will acknowledge his felony, let it be enrolled, and immediately he loseth all his goods and chattels, as a forfeiture, of the which the mayor shall answer to the town ; and if he confesses, he may remain in the church, and church yard, twelve days ; and at the end of forty days he shall forsake the land ; and sitting upon the church yard stile, before the mayor, he shall chuse the port of his passage ; and in case he will make his abjuration within the forty days, he shall be accepted. And anon, by abjuration done, he shall take the cross, and the mayor shall do to be proclaimed, in the

King's name, that no man, upon pain of life, and member, shall do him harm, or molestation, all the while he keepeth the King's highway towards the port that he hath chosen for his passage.

19. Of cutting a Purse.

And when any man is found cutting a purse, or taking of silver out of a purse, he shall have one of his ears cut off from his head, in the market place, at the suit of the appellant.

It is accustomed, that the said cut-purse, or picker of purse, shall have one of his ears cut from his head, and then he shall be led into the town, and there swear, and abjure, never to come into the town, upon pain of losing his other ear; and in case he be found in any other line of life, then to lose his other ear, and to abjure the town, upon pain of losing his life; and if he be found the third time, whatsoever he swore before, he shall suffer judgment.

20. Of Suspicion of Felony.

And in case any theft, or harm, is done within the town, or port, or else without, as well by sea as by land, and any man be suspected thereof; or when any man coming within the franchise, bearing evil name, and evil fame, in the foreign, the mayor is accustomed to attach persons, and to put them in the keeping; and so he who is attached, if no man pursue him, he is wont to remain in prison, after his evil fame, and his evil name, and afterwards to be delivered, upon pledges of his offering, or to abjure the town, until the time he hath.

21. Attachment of a Felon, Foreigner.

Item, it is to wit, that any man, whether he be freeman, or stranger, for any felony or trespass done in foreign, cometh within the town of Rye, for his refuge and safeguard, ought not to be attached without suit, so that he well and truly guide himself within the said franchises, without it be, that the Lord Warden shall command to attach him, assigning sufficient cause; and if he may find six pledges,

that will be surety to have his body within the liberty, whensoever it may be required ; if any man will sue against him there, that then he be delivered to them out of prison.

22. Of a Felon fled.

Item, when any man of the said franchise, or a stranger, hath done within the franchise any felony, and is run away, the mayor may send for him, in whatsoever lordship or franchise he shall be, in the realm of England, reserving the liberty of Holy Church, which is sanctuary, and to him he shall be delivered, according to the usage of the said town, as of old time constituted, and so unto this time used.

23. Attachment of Bloodshed.

The mayor, or any of the jurats, of the town of Rye, may attach a man without suite of party, where he shall see that he draweth blood of any man violently, and put him to surety for keeping the King's peace ; and if any of the said jurats, in the mayor's absence, attach any man for effusion of blood, and he maketh resistance against the said jurat, then the mayor shall distrain him that so maketh resistance, if he be so required, on the King's behalf, and put him to good fine.

24. Of breaking the Peace, and striking the Mayor.

If any man set any hand or weapon, in violence, upon the mayor, or saith him evil in the court, or out of the court, or else maketh resistance against him, he shall be immediately taken, and grievously punished by his body ; but the jurats of the said town, he shall be used to make fine to the mayor, because of his trespass ; and if the mayor be stricken by hand, or by weapon, he that striketh him shall lose that hand that he striketh with, if the mayor will.

25. Of true Men's Goods seized.

Item, albeit that a true man's goods be seized among the goods of a felon, as it may fortune such goods were lent unto him ; if the true man can prove the goods to be his own, and the felon do not the con-

trary, the said goods ought to be restored to him that so doth challenge them ; for a thief cannot forfeit other men's goods.

26. Challenge of Goods by the Felon.

And if the felon will avow the goods to be his own, and will appeal him of his felony, then he loseth the goods ; and where he that is appealed by the appellant's suit, be adjudged to death, the appellant shall have his goods which he challenged in his appeal, which he that was appealed was seized of.

27. Assize, Weight, and Measure.

Item, the mayor and his brethren, the jurats, have all manner of size of bread, of ale, and of all weights and measures, and other vantage, in ancient times observed, after the King's standard and statute, and to so mark all measures with an iron, and to put in mercy all them who are transgressors, and breakers of the assize, and to tax the said amercement.

28. Election of a Freeman, and his Oath.

Item, the mayor and jurats may make of no freeman, a freeman, in this manner, viz. where any stranger cometh into the town, and inhabiteth, and there dwelleth by a whole year, and useth some honest craft, of good guiding and conversation, and desireth the franchise, he shall come before the mayor and the jurats, in the playn common court, praying to have the franchise ; upon which his petition it shall be awarded what he shall pay unto the commonalty for his said franchise ; having which award, he shall be entered in the common book, and his name also ; and he shall make his oath under these words :

I, A. B. shall faith bear unto our sovereign Lord the King of England, and to his heirs, Kings of England, and to the mayor, jurats, and commonalty of this town, from thenceforth ; and the estate of the franchises, and the liberties of the said town, shall keep, help, and maintain, to the best of my power ; and I shall in no wise be

knowing, or counseling to hurt them; and my scott, and my lot of my goods and chattels, unto the aforesaid commonalty, I shall well and truly pay, and consent, when I shall be scotted, and lotted. So help me.

And then he shall incontinently kiss the book, and so he shall be accepted a freeman; and he shall pay unto the mayor's sergent two shillings, and to the common clerk, for the entry, two-pence.

29. *Of taking Recognizance.*

The mayor and jurats may have recognizance before them, in this manner. That when any man, and his wife, hath any lands, rents, or services, within the franchises, and will the said lands, or others give or sell to any person, of which the said wife, by way of inheritance, or purchase, or by any other means, was seized of, by reason of any person which should unto her appertain; the said wife shall come before the mayor and jurats, and she shall be examined before them, in the absence of her baron, whether it be her free will to give the said lands, or not; and if she say it be her good will, and that she be not forced by her baron, then the deed which is made of her lands shall be read unto her, and the deed shall be sealed with the common town seal, as in her name, of a fine raised; and if she grant unto it, then the recognizance made. The said woman, nor her heirs, shall not make in the said lands, rents, or other the premises, see any claim, but they thereof utterly shall be excluded. And this manner of recognizance ought to be taken before the mayor, and certain of the jurats, in the playn court, the woman being in good health. Or if the woman be sick, aged, or so feeble, that she may not come into the court, then she may send for the mayor, and certain of the jurats, to come unto her, and examine her, in the manner aforesaid; and if she consent, the recognizance shall be free, and stable for ever.

30. Recognizance by a Femme Covert.

Item, if any man's wife make recognizance under this condition, that she and her barons shall be seoffed jointly to them, and to their heirs, or else to them and their heirs between them, lawfully begotten, or in any other manner, the mayor and the jurats shall record the said condition, so that the condition is expressed before the said mayor and jurats; and the said mayor and jurats shall suffer him to do the contrary, but only according to the conditions of the said seoffment, because of the righteousness and equity ever used in the said franchise.

31. Grants in Mortmain.

And the barons, and the commonalty, may grant to farm lands, rents, and possessions, being within the franchise, to the chaunts of masses, to the sustenation of the hospital, or to the works of the church of our Lady, at Rye, without the licence of the King, or any other lord.

32. Of Sureties of the Peace.

Item, if any do ask surety of the King's peace of another, the mayor is bound to give it him, if he that so asketh it will swear, that he standeth in bodily fear of him that he taketh against; and if he that hath found surety of the peace, at another time breaketh the King's peace, then it shall be lawful to any of the King's subjects to attach him, and bring him to the mayor; and then to command him, by the mayor, to ward, and there to remain for the space of forty days; and his sureties that be found in the first peace, shall have the same punishment as the said misdoer shall have, and also make fine to the town.

33. Returning of Plaints, serving of Attachments, and the Manner of holding of Courts for Strangers and Freemen.

Item, it is used and accustomed, that the mayor's sergeant, for whom the mayor shall answer, shall return all manner of plaints after

their entries, as well of the in-dweller within the franchise of Rye, as of others dwelling within the Cinque Ports, and do all manner of attachments and summonses of them; and the bailiff and his sergeant shall return all manner of plaints, after the manner of foreign strangers, and shall do all manner of attachments and summonses only of the same foreign stranger; if the plaintiff, or the defendant, be a stranger there, their plea shall be holden from day to day, without it be a plea for land, or pleas of the crown, viz. for life, or for member; and if both the plaintiff and the defendant be in-dwellers, their pleas shall be holden from fifteen days to fifteen days, on Wednesday; and every manner of plea shall be holden in the King's court-house, reserving the plea of life and member, which shall be holden in the playn hundred.

34. *Attachment in Trespass of Blood.*

Item, in trespass, and blood-shedding, and where a man is hurt, the defendant shall be attached by his body, and put into prison, without he may find sufficient pledges to undertake that he shall be at the next King's court holden. If he appears not, he and his pledges shall be amerced, and he shall be put to better pledges, viz. two, or three pledges; and so too, in a case from court to court, two pledges. The amercements shall be, the first court, six-pence; the second, twelve-pence; and so every court, if the mayor and jurats will. The amercements shall increase six-pence, in like sum, as it is in the increase of the pledges, untill the time that he will appear to answer; and in case he fail in every of his pleas, as it is aforesaid, then his body shall remain in prison, until the time that he hath answered unto the party; and so always, provided that the increasing of the amercements be seized, and taxed, at the consideration of the mayor and jurats.

35. *Pleas of Debt, Covenant, and Pledges.*

Item, in plea of debt, covenant broken, chattels with-holden, and so of others, the mayor's sergeant, as well of the in-dwellers within

the franchises of Rye, as of them dwelling within the ports, and the bailiff, and his sergeant, of the foreign strangers, shall take pledges to shew his plea; and if he can find no pledge, he must put some gage; and if he have no gage, nor pledge, if he be of the franchise, or of the ports, he shall put his faith and truth upon the mayor's mace; but if he be a foreign stranger, he shall put his faith and truth upon the bailiff's rod, to issue his own; and if the party defendant be a freeman of the ports he shall put to distress, if he do not appear at the first court, he shall be distressed; and if he do not appear at the second court, he shall be distressed sicut alias. And it is to wit, that at every default he shall be amerced; and if he do not appear at the third court, he shall be distressed sicut plures. And it is to wit, that at every default he shall be amerced to the town, and all the distresses as aforesaid. If they be in-dwellers of the franchise, or of the ports, they shall remain in the mayor's sergeant's keeping; if they be foreign strangers, they shall remain in the bailiff's, or his sergeant's keeping; and if the defendant will not justify himself, by name, of the distresses as aforesaid, then he shall be put to pledges at the next court, as in plea of trespass. And if the party defendant be in-dweller, and the same defendant be distressed, by his goods and chattels, within the franchise, to appear, and if he could, and hath not appeared, then he must be put with two pledges, and they shall undertake to bring his body, to the next court, to answer; or else they must answer the party for him, as he ought. And in case that both the parties are foreigners, or else one stranger, and the other in-dweller, then shall the court be holden every day, before noon, and in the afternoon, before the middle of the afternoon, after the law merchant; and when the parties are come into court, in their proper persons, or else by attornies, the plaintiff shall tell his demand against the defendant, asking leave of the court to tell his tale, without any reproof or reproach. The defendant may likewise make licence of the court to answer, and to defend against the plaintiff, without reproof or re-

proach, and the mayor shall give them licence; but where in any plea which is pleaded at the bar, by the sergeants, or else by the learned counsellors, then the parties shall have no licence to plead, but at their own peril, or jeopardy. And in case the party plaintiff pleadeth upon speciality, whether it be by tale, or by writing obligatory, and the defendant will deny it, then the plaintiff shall prove the speciality by two men, and himself, who were at the making of the said deed. And in case the plaintiff cannot prove the said speciality, the party defendant shall go quit, and the party plaintiff in mercy. And in case the party plaintiff may prove it to be the defendant's deed, then the defendant shall be in mercy, and must agree with the party for the principal, over that to have his damage. And in case that the plaintiff have no speciality, and telleth his narration, that he is ready to prove his intent by true and lawful men of sight and hearing, then the defendant shall wage the law against his suit; and in case the plaintiff telleth not his narration, that he will prove by sight and hearing, then the defendant shall quit himself by his sole hand, and use himself, which hand at the discretion of the mayor and his jurats, whether he be stranger, or in-dweller.

Item, in case of heirs and executors being impleaded; and the party plaintiff hath no speciality, the plaintiff must, in his narration, shew, that he will prove the debt to be true, by sight and hearing, and that by creditable persons.

36. *Arrest of a Freeman.*

Where any freeman of the franchises, or of any of the ports, seeth his foreign debtor, if he see him, or his chattels, may lawfully arrest the person of his debtor, if he see him, or his chattels, or furniture, so that incontinently, without tarrying to go into the comen clerk, to enter his arrest; and then immediately he go unto the bailiff, or to his sergeant, to shew him the arrest; and not to make declaration of the said person, nor of the chattels, in absence of the bailiff, or his ser-

geant; and in the deliverance of the person, or the chattels, one of the parties to be amerced; if he be the in-dweller within the franchise, or of the ports, the amercement to the town; if it be the foreign debtor, the amercement to the bailiff.

37. Of Imprisonment after Judgment in an Action.

In every manner of plea, where any man is adjudged, whether he be in-dweller, or foreign stranger, and the judgment in the King's court, by the mayor and jurats, he that is condemned shall remain in the court-house, untill he shall agree with the party.

38. Damages, by whom taxed.

In right of damages recorded in the court, the said damages shall be taxed by the mayor and jurats; and in case that he who is condemned will so desire, after the nature of the plea.

39. Voluntary Appearance of a Freeman before Summons.

In case any freeman complaineth of another freeman, and cometh into court without summons, or attachment, knowing of such complaint upon him, and the party will declare against him, the party defendant may delay that day, under these words; Mr. Mayor, if it may please you to understand, and know, how that I am a freeman, and cannot be bound to answer to the party, because I have neither summons, nor attachment, for to be in the court against him at this day; therefore I ask my free commons and delays, as a freeman ought to have in this court. And then he may, and must award it him.

40. Action against a Woman covert to bar Merchant sole.

If any woman that is covert baron be impleaded in plea of debt, covenant broken, or chattels with-held, and she be known for sole merchant, she ought to answer without the presence of her baron.

41. Plea of Lands, and Writ of Right Patent.

In plea of lands, the plea shall be holden in the King's court, which plea shall not be taken without the mayor being present ; and it ought to be holden from fifteen days to fifteen days, whether the plea be between an in-dweller and a stranger, or else between two in-dwellers, or two strangers, of all manner of lands, tenements, and rents, and possessions, within the franchise ; and all manner of pleas may be tried, within the franchises, by simple plea, and the brief right of patent reserved, in like manner of brief, as pleaded in the King's court in the common pleas reserved. In same brief therein be many delays, mort d'ancestor, and other processes ; and after the surety found to pursue, his plea disseisor summoned him unto the next court, to answer unto the plaintiff ; the lands, or the tenements, shall be taken into the mayor's hands, because of the default ; and if they be not replevined within fifteen days next ensuing, he shall lose the forfeiture of the lands ; and in case he make no default, he may ask *reue* of the lands, if he will ; and after *reue* of the lands had, disseisor may not, by any manner of acceptation, abate the plea ; but in the case it must pass by the verdict of twelve men, viz. after the parties have appeared in court, they may make no delay, but to pursue, from court to court, if they will, by their attornies ; but in plea of lands, no attorney shall be excepted, without that he be excepted in playn court, before the mayor and jurats.

42. Of Novel Disseisin.

In plea of novel disseisin, viz. where any person is newly disseised of lands, or tenements, after the declaration made of his plaint, if the disseisor cometh into court, in proper person, or by officer, shall come. If he will not acknowledge his offence, he may answer to the plea, if he will.

43. Dower.

In plea of dower, the woman, after the death of her baron, shall come before the mayor and jurats, shewing herself to be his wife, and find surety against such a man in plea of dower; and then the mayor shall require the hundred to deliver the dower of such lands and tenements as her baron died seized.

44. Judgment in all Actions.

When the parties have pleaded in court their plea, whether it hath been by their proper person, or else by sergeants, the common clerk shall record that which the parties pleaded, after the nature of their plea of process; and then the mayor and jurats shall go in judgment, which judgment shall be given by the mayor's own mouth, in the King's court.

45. Fault in Judgment, how reformed.

In case any fault be found in judgment, it is in the mayor and jurats election to enter parlanecs with their brethren of the Cinque Ports, by a broderhill (a brotherhood) to have their good advice and information, how, and in what manner, they should minister right unto the parties, after the plea before them pleaded; which judgment shall be delayed until the next court then ensuing.

46. Strep, Waste, and Distress for Rent behind.

When any man holdeth any tenement by any free rent to be paid, and the tenant strepeth and wasteth the said tenement, so that they who ought to have the said free rent, have not the rent of that, nor sufficient distress to the value of the rent in the said tenement may be found, then he that is so behind in the said rent, by a whole year and a day, shall come before the mayor and jurats, in playn hundred, to complain to him there; and then the mayor and jurats shall bid him go to the said tenement, to search for a distress, or for the possession of the said tenement, to pay the said arrearage; and in case that he find no

distress, nor the possessor, to pay him his arrearage, then shall he come unto the next hundred, to shew his complaint, as he did before; and then it shall be adjudged him, to go into the said tenement, or land, and by the over-sight of true men, shall take off the door, and put it on towards the entrance of the said tenement. And if so be, that no man come within a year and a day, then it shall be adjudged, that he put stakes into the ground, upon the which shall be made proclamation, that if any man, or woman, claiming a right in the said lands, or tenement, so that he come within a year and a day, from the day of proclamation, to pay and to satisfy the parties complainant the arrearage, and all that, after the manner of the franchise of the said town, ought to be done; or else to signify why that he ought not to do it, and that upon pain of losing the said lands, and tenement; and if no man come within a year and a day, to contrarize, or to do, as is aforesaid, then, at the next hundred ensuing, it shall be adjudged to him that asketh the aforesaid rent, the seizure of the lands and tenement. And in case that any man, or woman, come within a year and a day, or else before that judgment be given and granted, to pay, and to do all that ought to be done for the said lands and tenements, he may then have the said lands and tenements; or else, if he cometh, and saith, that he claimeth not the said lands and tenements to hold, nor unto him any thing do owe, then they must plead, in that case, or he may not otherwise receive his rent.

47. Waste by Tenant for Life.

If any man, or woman, hold a tenement in the town, at the term of their whole lives, and the reversion thereof appertaineth unto another, and the said tenant do strepe, and waste the said tenement, the mayor and jurats, at the request of him that is in the reversion, shall compel the aforesaid tenant to repair sufficiently the said tenement, and to maintain it, so that he be able so to do, or else after the rate of the faculty of the said tenant, as it shall seem good, by the consideration of the mayor and jurats, what upon it ought reasonably to be done;

and in case that the tenant will not so do, he shall utterly the said tenement lose.

48. *Withernam, and of Process.*

The mayor and jurats may, as they ought to do, take withernam of the citizens of London, as they think it convenient to be done, for any cause done against their liberties; and they may, as they ought to do, take withernam for many causes done unto the mayor and jurats, desiring them to write their letters, under their seal of office of the mayoralty, or else under the common seal, when the case it requires, to pray for him, unto the citizens of London, or unto the burgesses of Calais, or unto any other place within the realm, or without, wheresoever the King, or sovereign lord liege, hath amity, that they will do, and see to be made due payment and satisfaction of such sum of money, for covenant, or trespass, which the Combarons of the Cinque Ports could justify.

A. B. sheweth unto your petitioner of the said first letter of the said citizens, or burgesses, and nothing done unto the matter, nor send any answer in writing. It must be sent them another letter as the first; and if they do nothing unto the matter, then it must be sent unto them the plures, under the common seal; at the which the third letter, if they do nothing unto the matter, as it is abovesaid; then he who sheweth the said process, must come before the mayor and jurats, and in playn court, to depose upon the book of Holy Evangelists, that he or his attorney hath duly and truly delivered unto the mayor, or bailiff, or justice of such a city, as the three letters of his process, after the statute of liberties; and that the said mayor, or bailiff, hath deferred to do him any justice; this done, it must be adjudged, that the whole commonalty of that place, to whom the process is sent unto, shall pay the said debt; provided always, that the mayor and jurats be ascertained, by due lawful approbation, that the debt be one of the mace, according to the nature of the process. And it is used and accustomed, that in case the inhabitants of the said commonalty so condemned, the

said town of Rye do eschew to come to, and in other places of the ports they do come to resort; that the said mayor and jurats shall send the said letters unto the said ports, so that it be of the Cinque Ports, and by their letters recorded the process, the debt, and the judgment; and then they shall, after their custom, do like distress and execution of the said record, and process aforesaid, as the said mayor and jurats of Rye would have done.

49. *Process and Withernam for hindering a Freeman.*

Likewise, if any freeman of Rye be within the city of London, or any other place in the realm of England, or in any other region where the King hath any other liege or amity, intermitted there~~r~~ to sell or carry his merchandize, or otherwise than he was wont to do; or else, if any distress upon him be wrongfully taken, or any custom or toll, against the custom of the ports, be asked of him; or else, if any robbery or depredation be done on the sea or the land, the freemen of the commonalty of any of the Five Ports, so that they be robbed, or destroyed, and none can give information of the name of the transgressor of the place that they be of, then letters of process, at the suit of the said freeman, shall be directed to the said place, the letter original, alias, and plures, as abovesaid. And in case that no remedy or amends be made, or else sufficient answer in writing, the withernam shall be adjudged against the aforesaid commonalty, both upon their goods and their persons, untill the time that the said offence be satisfied, and the damage which duly appeareth to have been done and sustained in that behalf.

50. *Withernam against a Lord, for staying a Freeman for Stallage.*

If any lord do distress any freeman for stallage upon his own ground, and he be prayed by the mayor, by his letter, sealed under his seal of office, to deliver the said distresses, and to deliver it he doth refuse, then in case, it was wont to be awarded a withernam upon all his tenants.

51. *Partnership in Merchandize.*

The freemen of Rye were wont, and ought to be, partners in merchandize, of all sorts, whether they be in presence in buying or selling of it; whether they will claim any part; whether the buyer or the seller thereof be freeman of Rye, or stranger; reserve and except, where he who so claimeth part of the said merchandize, is not worthy to have part; as he who is convicted of perjury, or else that he hath been adjudged, that he should have no part of any merchandize; because he did come away from the franchise at the time he should pay his part for the King's service; or else that he was come away in the time of war, and came not again within the time to him limited of his coming, for the defence of the town; or else he hath done any thing prejudicial to the franchise, whereby he is adjudged to lose his freedom, and free custom; or else, where before-time he hath been bought in the said merchandize, hath been losing money, he hath refused to pay his part of the said loss, after his rate or proportion.

52. *The Charter, that none shall be Partner with them, against their Will, in Ireland.*

Where the freemen of the Cinque Ports were wont to be mostly interrupted of their liberties, were the ports of Ireland, till the noble Prince Edward, late King of England, did give and grant unto the Barons of the Cinque Ports his charter, which were confirmed by Edward the King's grandfather, unto King Edward the Third; in which charter, he did give and grant, unto the Barons of the Five Ports, his great charter; which afterwards was confirmed by King Edward, father unto King Edward the Third; of which charter, the tenor followeth as in the charter.

53. *Of a Freeman distrained out of the Liberties for Merchandize.*

In likewise, if a brewster free hath made ale, and sell it in the town, in fairs, or in markets, if the lord of the soil will distrain her against her will, for the sale of the ale; then, at the complaint of her,

the mayor was wont to send his letters, to have re-delivered the said distress; in as much as the barons of Rye be free to sell and buy, free through the whole realm of England.

54. Lands bound by Recognizance.

In case that any man, whether he be in-dweller, or else stranger, that hath lands, rents, or tenements, within the franchise, and bind the said lands, rents, and tenements, to same in-dweller, or else to same stranger, or else to his own person, by recognizance, before the mayor, and afterwards it be found that he hath alienated the said lands, rents, or tenements, which were bound; he, to whom the lands were bound, shall have the lands, rents, or tenements, until the time that he be contented and satisfied of the duty, so that it appear in the court roll the recognizance to be made of the same lands.

55. Complaints of Freemen, by Freemen, out of the Liberties.

In case that any man, of the town of Rye, do complain of another man, of the same town, in any other place than within the said town of Rye, he that so complaineth shall be punished, because of spite done unto the said town, without that it be for lack of justice of the mayor and jurats; in which case, the matter shall be tried before the Lord Warden, in the court of Shepway, and no where else.

56. A Freeman shall have Part of Freeman's Merchandize.

If any merchant, neighbour or stranger, bring any merchandize to sell in the town of Rye, all the freemen of the said town, which be present at the buying of the said merchandize, shall have part of it, if they will claim part; so shall the freemen that be absent have part, in case that any man that is present at the buying of the same do claim part for any freeman that is absent; and the said merchandize shall equally divide, according to both the gain and the loss.

57. Part of Foreigners Merchandize brought within the Franchise.

In case when any stranger buyeth any merchandize within the franchise, whether he be of himself of the franchise, or also of other,

they of the franchise shall have half of the said merchandize against the stranger, if they will ask it.

58. *Orphans, and their Goods.*

In case any man or woman die within the franchise of Rye, and they be within age, then the mayor shall have the veve of the child, and of all his goods, rents, and tenements, and of all his moveable goods; and by the mayor and jurats the child shall be put to ward to the next of kinsman that the child hath of his blood, unto whom his inheritance may not descend; and all the goods and chattels shall be delivered unto the guardian, by indenture between the mayor and the said guardian, until the time the child shall be of full age; and that one part of the said indenture shall remain in the common treasury; and in case there be none of the child's blood, then the mayor shall take, and deliver the aforesaid goods unto some sufficient man of the franchise, in keeping, untill the child become of full age, at which time the child shall have them delivered to his use.

59. *Nomination of Chaplain to Saint Bartholomew's Church; and admitting Brethren and Sisters there.*

It is the mayor of Rye, and the jurats, with the commonalty, shall have the nomination of the chaplain, who is called the custos of the hospital of Saint Bartholomew, beside Rye; which said chaplain his name, in time of peace, shall send unto the abbot of Feram; and, in the time of war, unto the Lord Chancellor of England; and by one of them he shall be presented unto the Bishop of Winchester, and by him shall have institution.

And also the mayor of Rye shall take account of the chaplain of Saint Bartholomew's four times in a year, if he will; and in the said hospital, be both brethren and sisters sometimes more and sometimes less; but nevertheless, neither the brethren nor the sisters shall be admitted into the said hospital, unless it be by the assent of the mayor, and of the commons. And also the rules and statutes of the said hos-

pital shall be read before the brethren and sisters, which shall be accepted and received, before he be received.

60. Freemen decayed, and Seal of Hospital.

The mayor, with the assent of the jurats, where he findeth among his commons which he hath competently borne charge with them, for their time, in the welfare of the town, and they be now impoverished, and impotently decayed of their goods and chattels, and little goods have to live with, he may put the said man and woman into the hospital, to take their sustenance among the brethren and sisters of the hospital, without any paying for it unto the said hospital; so that the mayor and jurats have the keeping of the seal of the said hospital of the brethren and sisters. And the brethren and sisters shall nothing sell nor diminish, without the assent of the mayor and jurats.

61. Election of Brokers.

It is to be understood, that anon, after the election of mayor of Rye, the mayor and jurats shall elect brokers, and certain men, to keep the weights and measures; which men shall be sworn to do right, as well a stranger, as a freeman.

62. Bailiffs to Yarmouth.

When the bailiff is elect to be at Great Yarmouth, and hath taken the oath, what time he should ride toward the place, he shall have with him his letters patent, under the common seal of the town, to do, and to exercise, the ancient manners of the liberty of the said town, after the contents of the King's charter, upon the said premises granted unto the Barons of the said Cinque Ports.

63. Proceedings in Actions, and making special Acts for the Town.

In all manner of causes and articles, or in pleas personal, and in all of the which there is no special remembrance, or mention made in this book, the mayor, which is judge, with his brethren the jurats, shall have recourse to the laws of natural reason, upon the which, and

and of the which do proceed, and are found all the laws, and customs, according and concerning unto the laws of England, and to make special acts, and such as they shall think good for the wealth of the town.

64. Election of Lord Warden.

When it shall fortune the Lord Warden of the Cinque Ports to decease, or else to be changed, our sovereign Lord the King was wont to send his letters patent to admit another Warden, which Warden so admitted, when he thinketh most opportunity, was wont to send his letters to each of the five ports, and their members, wherein is either mayor or bailiff, that upon a certain day they shall be before him, at Shepway, so that his said letters be delivered unto the mayors and bailiffs forty days before the day of Shepway. If there be no mayor of any of the aforesaid towns of the Cinque Ports, or their members, then the letters to be sent to the bailiffs.

And also, in the King's and Queen's name, forty days before their coronation.

65. Burgesses to the Coronation.

The barons of the Cinque Ports are to be summoned to the King and Queen's coronation, by certain forty days before the coronation, by writing; and of all the ports together there must be thirty-two barons, in one clothing, and they shall bear the cloth over the King and Queen, with four spears, covered with silver, and four little bells gilt, hanging above the cloth, which is called the pall, and shall come from the King's treasury; and at each of these four spears shall be attending four barons of the said Cinque Ports; and the said barons, on the said day, shall sit in the King's hall, at dinner, next to the King and Queen, on the right hand. *Finis.*

THE CUSTOMAL
OF THE
TOWN AND PORT OF WINCHELSEA.

1. Chusing of Mayor.

Every year, the Monday after Easter, all the inhabitants shall assemble, in a certain place, called the hundred, and there, by common consent, shall chuse a mayor. In case the mayor that is chosen be not present, to accept his charge, the mayor that was before shall not be discharged, untill the other be charged by his predecessor.

2. Punishment of the Mayor for not accepting the Office, and his Oath.

If the mayor that is chose absent himself, and will not accept, and receive his charge, all the whole commons shall go, and shut in his chief tenement. But if the mayor that is chosen be present, and will his charge accept, he shall be charged, and swear thus.

I, A. B. shall bear faith to our sovereign Lord the King of England, and to the commonalty of Winchelsea; and the franchises and usages of the same rightfully shall maintain, and the common profit shall keep; and to rich and poor shall do right, as near as can be. So help me.

And in case the mayor die before the yearly election, the twelve sworn men here, in course, to the same shall do their turns, untill the time be in the year, for the assembly to chuse another mayor; then he so chose shall do his office, untill the day of the election. And in this case, the mayor charged shall be one of the best of the twelve sworn men.

3. *Appointing Jurats.*

Also, the mayor shall chuse, the same day, twelve sworn men, the most wise within the town, the which shall swear to the King, and the commons; and shall chuse a common clerk, which shall swear to the commonalty, and shall bear faith to all the said commons, and truly their councils shall keep to his power.

Also, the same day, the mayor shall chuse a sergeant, the which shall do his charge in manner as follows. That he shall bear faith to the mayor, and the commonalty, and duly shall do execution, as appertaineth to his office, after the usage used in the town in times passed. So help me God, and All Saints.

4. *Of receiving a Bailiff.*

In the right of the bailiff, the King may remove at his will; and in case the bailiff die, or the King remove him from his office, then the King shall send his commission, with a writ of attendage, to the mayor and jurats, under the seal of the chancery; the which bailiff shall shew his commission to the mayor and jurats, and after that, shall be accepted, and charged by the mayor, and his charge shall be this.

By the allegiance you owe to the sovereign Lord the King, that you do due execution and right, without blemish of the franchise, after the usage used in old time in the town, as is aforesaid.

And after that, the bailiff shall chuse a sergeant, for which he shall answer, who shall be charged.

5. *Of the Coroner, and his Office.*

Item, in case a man be found dead within the franchise, by misadventure, or by deed of any man, by land or water, the mayor shall have sight of the body, as coroner, and the bailiff do come a countie; at which countie the mayor shall make an inquest of the death of the body present. Anon, the mayor, as coroner, shall charge the bailiff for to attach the indicted, and if he may be found, he shall be brought into the ward of the bailiff within the franchise; but if that the in-

dicted may find, after his imprisonment, sufficient mainprise for to be at the law, the bailiff shall let go to the same, until a hundred be ordained by the mayor and bailiff, at which hundred the indicted shall come, and shall be arraigned of the felony, and there shall be proclamation made by the mayor and bailiff; and there if any will come to pursue in due form against the indicted of felony abovesaid, that he come; and if none do come for to pursue, then be it returned, till proclamation be made, in the same form, by two hundreds after; and if none do come at the third hundred, that will pursue the indicted, he shall go quit of his indictment. And be it for to wit, that no hundred shall be holden after the other less than fifteen days. And if any come to pursue against the indicted, by appeal, and the indicted be arraigned of the felony, and if he say nay in the felony, then be he charged by the mayor to have his acquittance, in manner as follows, that is to wit. Thirty-six men of his own province, of good fame in the liegance of England, that they be ready at the next hundred that to him shall be assigned; the which thirty-six men the appellor shall take their names written, into the hands of the bailiff, and the common clerk shall read their names, as shall do every appealed; and if any of the thirty-six men be in default, or answer not for him who is appealed of the felony, be he adjudged to death, to be hanged at the gallows.

6. Acquittance of a Felon.

It is ordained, in the usages of Winchelsea, that when a man ought to be acquitted by thirty-six men, that first the names of the thirty-six men shall be delivered to the bailiff, by the man who is appealed, in writing; and those thirty-six men ought to be called by their names; and if any of them, when called, be absent, and answer not, then the man that is appealed shall be put to death. And if they all appear, and answer by name, the which being called, then of the King's grace that shall be the best twelve of the said thirty-six men, and the grace of the mayor, and of the sworn men, twelve, so that the

mayor and bailiff of them all chuse twelve, the which left them, to swear what the man who is appealed shall swear on a book, that he is not guilty of that which he is appealed of, as God him help, and the Holy Church, and so kiss the book.

After that, the twelve men that have been chosen to swear, shall confirm the same oath, that the man appealed made, and so the man appealed go quit.

If any of the twelve men withdraw their hands, and will not swear, then shall he who is appealed be put to death; and if he be acquit, then shall the appellor be attached, by his body, and all his goods, to the will of the King. All men condemned, in this manner, shall be hanged in the Salt Marsh, on the north side of the town of Winchelsea, in the salt water of the same town.

7. Holding of Pleas, Treason excepted.

Also, all manner of pleas of the coroner, of life and member, may be determined and ended before the mayor, bailiff, and jurats, within the said liberties of the said town of Winchelsea, out-take the plea of counterfeitors of the King's coin, and of the King's seal; and also except the plea of those who imagine the King or the Queen's death; the which pleas appertain and belong to the court of Shepway. But such manner of pleas of the coroner, of life and member, ought to be taken in the whole hundred.

8. Sanctuary.

Also, if any man flee to Holy Church, the mayor, as coroner, shall go to him, and of him know the cause of his flying; and if he will the felony acknowledge, by the recognizance registered, or enrolled, anon he shall leave all his goods and chattels, as forfeited, of which the bailiff shall answer to the King; and he shall dwell in the church, if he will, forty days, and he shall chuse the port or passage where he will pass; and if he will make abjuration before the forty days ended, he shall be accepted. And anon, after his abjuration, he

shall take his cross, and the mayor shall make proclamation, on the King's behalf, that no man, upon forfeiture of life and member, do him any evil, or grievance, inasmuch as he him holdeth in the highway towards the said port.

9. *Of admitting Freemen.*

Also, may the mayor and jurats make men free in such manner. That if any stranger come to Winchelsea, to dwell there, having lawful craft, and being of good conversation for a year and a day, and desirous to be of the franchise, come before the mayor and jurats, in open assembly, beseeching to be of the franchise; upon which award, he shall pay to the comen of the franchise, having which award only, and his name shall be written in the common register, and after he shall take his oath.

I shall faith and truth bear, and true man be, unto the King of England, and to the commonalty of the town of Winchelsea, from this day forward; and the estate of the common franchise to my power shall maintain; and scott and lott of my goods and chattels shall pay. So God me help, and All Saints. And so kiss the book; and so he is accepted to the franchises.

10. *Recognizance by a Femme Covert.*

And the mayor and jurats may have recognizance in this manner. That if any husband, his wife having any tenement, or rent, within the said franchise, to any giver or seller, and of which the said wife, by way of heritage, or of purchase, or in any other manner, was seoffed, or seized, or by reversion of any tenement, rent, or possession, after the death of any man, to her appertaining, the same wife shall come before the mayor and the bailiff, and every of the jurors, and she shall be examined by every of the jurats; and she shall be examined by the same mayor and jurats, in the absence of her husband, whether she be contented of the said gift, or selling, or not; and the charter shall be read there, in English words, before the same wife, and if she say

that she be well pleased, and not to that constrained by her husband, but of good will, and in her good memory, and acknowledge the same deed, the recognizance shall be enrolled into the comen rolls, as it appeareth after the manner. And after recognizance so done, the said wife, nor her husband, may not, in the said tenement, rent, or possession, after claim, but they be excluded all, time to come, and for ever.

11. *A Fine, confessed by a sick Woman, available.*

Also, they be wont to take such recognizance before the mayor, and any of the jurats, in the court, in case the wife be in good mind, and in full health, and there personally come. But if the wife of the man be sick, or feeble, that for feebleness she may not come to the court, and she would such acknowledge by recognizance, she shall send for the mayor, and some of the jurats, and they shall come for to hear her will. When they be come, the same there they shall examine, in manner aforesaid; if she consent firm and stable, be the recognizance for all to come, and for ever.

Also, if the wife of any man make knowledge, that in a case the conditions be, that she and her husband should be again feoffed of the aforesaid tenement, or possession, jointly to their heirs, or to the husband's term of his natural life, and to the wife, and to her heirs, or in other manner, the mayor and jurats shall behold, and ratify these conditions, for the right and equity to be had and used in the said franchises at all times.

12. *Mortmain for Masses.*

Also, the mayor and jurats, and commonalty, may grant and confirm the ratification of lands and tenements, rents, and other possessions, within the franchises, being as much to a chauntry of masses, the sustenation of hospitals, and to Holy Church, viz. to Saint Thomas and Saint Giles, Winchelsea, without licence of the King, or any other lord, any rent of the aforesaid lands and tenements, rents, and other possessions having.

13. Receiving Pleas.

Also, the bailiff, or his sergeant, shall receive all manner of pleas, as well of stranger as of in-dweller, after their nature, and they shall make attachment or summons; and if the plaintiff or defendant be strangers, their plea shall be holden from day to day, if it be not of land, or of the crown; and if it be of the two, or of the one, they shall be holden from fifteen days to fifteen days, viz. on Tuesday; every manner of plea shall be holden in the court-house of our sovereign lord the King; the same to be tried for member or for life, the which shall be holden in the hundred. In case of trespass, bloodshed, hamsoken, or mayhem, the defendant shall be attached by his body, to come unto the prison, if he cannot find sufficient pledges to be at the next court; at which court, if he come not, be he and his pledges in mercy; and for to be set at liberty, pledges against the next court; and so untill he be justified for to answer to the party for why. In such cases be there no delay in court.

14. Plea of Debt and Covenant.

In every plea of debt, and covenant broken, and chattels withholden, be it between freemen or strangers, or between two strangers or two freemen, the bailiff shall take pledge to pursue; and if he may not find pledge, be his faith on the yard, and his day shall be limited unto him, if he be a stranger, the morning afterwards; and if they be both abiding, both the one and the other, they shall have their day from fifteen days to fifteen days, as is abovesaid, in the said court-house. And the bailiff shall summons against the stranger with the premises, at the first court, and if he come not, be he attached; and if he come not at the second court, be he distrained from court to court, till he will justify. And when the parties be come into court, in their proper persons, or by their attornies, the plaintiff shall come to the defendant to ask leave for to account, which ought to be given, and the defendant, in the same manner, if he come to the mayor, he

shall have leave. But in no manner of plea, where the sergeant is at the bar, no leave then shall be given to plead again. And in case the demand lay before them specially, by two men and himself; the third being at the making of the said deed; and in case that he may not pursue specially, the party defendant shall go without day; and the plaintiff be in mercy. And in case that the demandant may prove his deed, the defendant shall be in mercy, and make agree with the parties and have damage.

15. *Proceedings with Heirs and Executors.*

Also, in case that heirs and executors be impleaded, and the demandant have no speciality, the demandant ought to prove the debt by certain folk, two or three, of the sight and hearing, and he shall be heard.

16. *Arresting of Goods of a foreign Debtor within the Franchise.*

Also, if a man of the franchise see his foreign debtor within the franchise, well may the said freeman arrest the chattels of his debtor in the franchise, and going freshly to the bailiff, to him commit the said arrest, so that none deliverance be made in the absence of the said bailiff to deliver and the two parties, and neither of the two shall be amerced to each other. And in whatsoever manner of plea, in the which a man is adjudged, be he foreign or denizen, before the mayor and the bailiff in the court, he shall do hold in person, untill he make agreement with the party in right of damage returned in the court; and shall be taxed by the mayor and jurats of the party, if the party condemned of him will ask.

17. *A Freeman to have Summons against a Freeman.*

In case any freeman complaineth against another freeman, he must come into the court by summons, or by attachment, and the party defendant will account against him; he that is impleaded may delay the same day by these words:

Vol. II.

B

Sir Mayor, please you to wit, that I am a freeman, and I am not bound anon to answer to the party, by the reason I have no summons, nor as a freeman, before this day, for to be against him in this court; for which, Sir, I ask my free summons by the law, as freemen ought to have in this court.

18. *A Woman covert de Baron.*

Item, if a woman covert de baron, viz. having an husband, be impleaded of a plea of debt, covenant broken, or chattels with-holden, and she be bound for merchandize, she shall answer without the presence of her husband.

19. *Plea of Land.*

Every plea of land shall be in a place called the Court-house, appertaining to our sovereign Lord the King, which plea may not be holden without the presence of the mayor, and be that holden from fifteen days to fifteen days, viz. the Tuesday, whether it be between stranger or freeman, or between two strangers or two freemen, of all lands, rents, and tenements within the franchise. And all manner of pleas of lands, rents, and tenements within the franchise, may be tried there by simple plaint, without the writ of our sovereign Lord the King, save the writ of right, called Du Droit Patent, in the which he shall say, that if thou do not, the sheriff of Sussex shall say to the Warden of the Cinque Ports, that all manner of writs ought to be pleaded in that manner, as it is in the King's court, save in some writs many delays, as in assize and mort d'ancestor, and in others less.

There, as their pleas being common pleadings, the pleas by themselves, or their counsels, the mayor shall record the process of the trespasser, and the other; and as the nature of the process, the said mayor and jurats shall go to judgment, the which judgment shall be given by the mouth in playn court. And if any difficulty be in such judgment, be it lawful for the mayor and the jurats to have together the speaking of their combrethren of the Cinque Ports, how and in

what manner they shall do right, and the parties after the plea before them pleaded; which judgment shall be delayed until the next court ensuing.

20. Proceedings in Plea of Life and Member.

Also the bailiff, when appellor doth appeal any man of life or member, shall attach the defendant by his body, &c. that the bailiff take pledges against the appellor, for to pursue his appeal; and if the appeal be such that the defendant be like to die, then the bailiff shall attach and sequester (by the advice of the mayor and the sworn men, or any of the sworn men) all the moveable goods of the defendant; but the said bailiff may not alienate the goods in no wise. If the defendant be convicted, all his goods shall be forfeited to the King; and all his house and rents, within the King's liberties, shall be forfeited to the King for a year and a day; and after that, they turn to the right heirs of the said defendant; and if he have none, to the lord of the fee.

21. A Freeman appealed.

Also, when the appellor and the appealed shall come before the mayor and the bailiff's sergeant, he shall hold the defendant's hand; but when that he shall answer, he shall be unbound, and the bailiff shall rehearse, to the men that shall be there, the cause of the man that is appealed, and then the appellor shall appeal the defendant; and if the defendant contrary to the appellor, then he ought to say he is not guilty of the appeal that is put upon him, and that he will acquit himself thereof, after the liberty of the said town; and at a certain day assigned the defendant, have thirty-six men, good and true, the which shall swear with him that he is not guilty; and that day ought to be assigned unto such time, and that the defendant may send into the place of his dwelling after such men, so that he shall be a stranger; and none of the thirty-six men shall be refused their oath, so that they be known for good men and true, whether they be stranger or denizen.

22. Cutting a Purse.

Also, when any man is found cutting a purse, or with the money stolen out of purses in any other place; then, at the suit of the appellant, one of his ears shall be abscided; and then shall he be led to the limits of the town, and forswear the town, never to be seen there afterwards, under pain of losing the other ear; and if he be found the second time cutting of purses, and may be proved that he loses his ear, for the like cause, and if he bear any sign whereby a thief may be known, then he shall lose the other ear, and abjure the town, under pain of losing his life. And if he be found a third time in manner abovesaid, then he shall die, whether that he be signed in that town, or in any other place.

23. Proceedings in Theft and Trespass.

Also, if any theft, or any trespass, be done in the port, or the town, as well by land as by water; also, if any person come to dwell in any of the said towns or ports, to bear open slander against the said port or town; then the mayor shall attach him, and deliver him to the bailiff into prison; for the bailiff shall receive all manner of such attachments, done by the mayor's hand, and deliver them, after that the trespass be there considered. And the man attached for that false slander shall abide in prison, and no man pursue for him; and afterwards he shall be delivered by pledges, but so shall govern himself well and truly afterwards; that if he may not find us pledges, then he shall forswear until he can.

24. The Bailiff not to attach upon Suspicion, without Consent of the Mayor.

Also, though the bailiff have any man suspected, he may not attach him in any case, without assent of the mayor and jurats; neither may he detain without their assent.

25. Felony in foreign.

Also, if any man, free or stranger, for any felony or trespass in foreign country, come to the said town, for the cause of help, he shall

not be attached within the said town, as long as he governeth himself within the said town well and truly; without that, the Warden of the Cinque Ports command, that the said man be attached by assigning his cause; and if he may not find six men to undertake his body, within the said liberty, when it shall be asked; and if they come to serve him, he shall be had out of prison.

26. Escape of Felony.

Also, when any man of the said liberty, or a stranger, do any felony within the liberty, and flee from the said liberty for dread of the same felony, the mayor may send for him again, within that lordship or freedom wheresoever he be, within the realm of England, except the liberty of Holy Church, and have him delivered by the freedom of the same town, and there to be punished for his trespass; and so it hath been used of old time, unto this day.

27. Bloodshed.

Also, the bailiff may attach any man without any assent, where the man draweth blood of another in violence; he may put him in prison, if he that is hurt will pursue; and he may also put him to pledge, for the peace to be kept. And if any man will make any rescue against the bailiff for drawing of blood, the mayor and the sworn men shall help him, if they be required, on the King's behalf; and that may the mayor and every jurat do, when they see any man striking, or disturbing the King's peace.

28. Of true Men's Goods seized.

Also, if the goods of any true man be arrested among the goods of a felon, which goods the felon haply had by borrowing, and the owner might prove the goods his, and the felon with-say it not, the goods shall be delivered unto the owner; for a thief may not for-say another man's goods to be his own, and will not appeal him; and he shall then lose the goods. And when a man is appealled, and at the suit of the appellor be judged to death, then the appellor shall have the goods that he challenged in the appeal.

29. *Distress for Rent.*

Also, if any man hold any tenement, by the which he ought to pay free rent to any man, and suffer the said tenement to be ruinous, or to fall, so that he who ought to have the free rent have none thereof, neither may find there none distress to the value; then let him, after seven months and one day, come unto the playne hundred, before the mayor and jurats, complaining thereof his right with-held. Then the mayor and the sworn men shall give him full power to set distress, if the owner the arrearage will not pay; and if the owner cannot, then let him come to the next hundred, and complain to the mayor as he did before; and when it shall be adjudged, that he go to the said tenement or land, and solemnly, by the sight of worthy men, he shall open the door of the tenement, and lift it out of the hooks; and if no man come within twelve months and one day, then it shall be judged, that he shall stick a stake in the earth, and that there shall be made proclamation; and if any man or woman ask any right in the said lands and tenement, let them come within six months and one day, from the time of this proclamation, and satisfy the asker of his arrearage; and if he acknowledge, after the liberty of the said town, the cause why he would not do it, before any pain of losing the said tenement and lands within the twelve months and one day, and no man come to make any, or to do in the manner aforesaid, then, in the next hundred following, it shall be judged, that the seisin of the lands and tenement shall turn to the asker of the said rent thereof due. But if any man or woman, within the said year and a day, before the payment made, acknowledge him to pay all that is due of the said tenement or lands, then he may save his lands and tenement; and if he will avow and say he holdeth not the lands and tenement of the asker, then they may plead; for in that case, the asker may not receive his asking, but by plea.

30. *Of Strepe and Waste.*

Also, if any man or woman hold anywise demise of land within the town for their lives, and if the reversion thereof belong to another

man, if he waste the demise, or suffer it to be wasted in any wise, then the mayor and the sworn men, at the pursuing of him that owneth the reversion, shall constrain him to repair and support the said tenement, while that be insufficient; and if he be not sufficient, then the mayor and the sworn men shall take his goods, and sell them, to the reparation of the said demise; and if he will not, then he shall lose the said demise.

31. *Withernam.*

Also, the mayor and jurats may take withernam of citizens of London, and in any other place where they repair unto, for any manner of thing done against the liberties; and the withernam may be taken for many cases.

If a freeman come unto the mayor and jurats, praying to have letters under the mayor's seal, or the common seal of the town, to pray for him to citizens of London, or to burgesses of Calais, or any other place thither side the sea, or beyond the sea, to recover debt against another man dwelling there, in which debt he is bound to the said combaron and freeman of Winchelsea aforesaid, as he saith; and, if at the first letter, the citizens, or the burgesses aforesaid, do not execute their letters to recover the debt, or they write not again, permitting to do well execution, then send them letters a second time; and if they do not answer in manner abovesaid, then send them letters a third time, on the part of the commonalty of the said town, under the common seal; and if at the letters the third time so sent, they do not in the manner abovesaid, and the pursuer come before the mayor and the sworn men, swearing on the Gospel, that he into such a city, or burgh, such manner of letters, after his freedom and right, had sent, and the said citizens and burgesses had failed in his right, and will not execute his letters; then it shall be judged, that all that commonalty shall be condemned in the said debt, for default of righteousness, and that all that commonalty be distrained for the whole debt aforesaid; so that it may be proved to be very right, before the mayor and sworn men, that the said debt be true, and right to be paid.

And in case the said men, of the aforesaid towns and burghs, for the same cause leave, and flee from the aforesaid town and haven of Winchelsea, and do go to other of the Cinque Ports, then the mayor and the sworn men shall send, by their letters, to the said ports, the record and proofs of the aforesaid debt, and judgment; and then they, after their custom and usage, shall make distraining and final execution, by the record and process aforesaid, the which the aforesaid mayor and sworn men of Winchelsea, made, and sent to them.

32. *Buying and selling in foreign.*

Also, if any freeman of the said town of Winchelsea dare not buy, nor sell, in any place of England, in London, Scotland, or France, or in any other place, by land or by water, or if they be distrained unrightfully, or pay any custom or toll against the liberties, through any means of any commonalty, of their knowledge, or without knowledge, so that they may write their name, and so by their letters thus sent to the city or burgh, wheresoever they may be, once, or twice, or thrice, as it is aforesaid, by any of the freemen of the said town; but, and if they cannot offer any reasonable cause for themselves, in writing, or by any otherwise, then it shall be adjudged, that withernam shall be taken of all the commonalty; and so always that it be taken and held, untill the said commonalty direct the said trespass, in due form, what harms and expences for their rightful damage had and sustained.

33. *Of the Lord of a Franchise distraining a Portman.*

Also, if any lord distrain any merchant of Winchelsea for pickage or standing on his ground, and if he be prayed by the mayor, by his letters, without delivering his distress, then may they take a withernam on him and all his tenants.

Also, the freemen of Winchelsea may be purchasers of all merchandize, where that they may be at the buying, or the selling, so that the buyer and seller either be free or stranger; but if it be so, that the buyer or seller may put on him any lawfull cause, where

through that he shall claim no part thereof, and if he be convicted of for-swearing, or to have no part of merchandize, for because, if he went from the town abovesaid, from the King's service, or from war, and come not in again by a certain day assigned, or if he do any forfeit against the said liberties, so that it be adjudged that he lose the said liberties; but there may be no stranger partner with a freeman as abovesaid, whatsoever he be, without his good-will.

34. Barons of the Ports may sell in foreign.

And as the men of the Cinque Ports were wont to be let of their liberties most on the coast of Ireland, Edward, the King, uncle to Edward the Third, confirmed the said liberties, under his charter, which see.

35. Brewers may make and sell Ale in foreign.

Also, if there be any brewer of the said town, a freeman, who makes ale, and sells in foreign in harvest time, and the lord of the fee or the borough distrain for that selling, against the liberty, then the mayor, through that complaint, shall send his letter and his seal to the said lord, to deliver that distress; for barons of Winchelsea are free to buy and sell throughout England. And if he do not, after these letters, then there shall be taken a withernam on all the tenants of the abovesaid lord.

36. Holding Pleas.

Also, all manner of pleas, real and personal, of which no mention hath been made, the mayor hath competence of his fellows, sworn to natural laws; on the which, and of the which, all manner of customs according to law, which being founded, and proceeding forth from Shepway; and the coronation of the King and the Queen, the said town of Winchelsea hath as the other Barons of the Cinque Ports.

37. Alienation of Lands.

Also, in case that a stranger, or a freeman, hath lands, rents, or tenements, within the same franchise, and he bind the same lands,

rents, or tenements, to any stranger or freeman ; or be he bound by recognizance made in the common rolls ; or else the said lands, rents, and tenements, be alienated ; he shall have execution to levy the debt of the said lands, tenements, and rents, without plea of it to be found by recognizance.

38. Complaints to be heard either in the Town, or at Shepway.

Also, in case that any man of the said town, do complain of any man of the said town, in any other place but the same town, he shall be punished for the despite to the comen, or else that it be in defence of the right of the comen, as aforesaid ; and then it shall be tried before the Warden, at Shepway, and no where else.

39. Freemen may claim a Share of Merchandize sold.

If any merchant, denizen or stranger, any merchandize at Winchelsea do put to sale, and they at the same town which be at the beginning of the said merchandize together, and also they of the said franchise being absent, and their part ought to be claimed by them that be then present. Be it also, that the said merchandize be equally divided, every man his part.

40. Division of Merchandize.

Also, if any stranger buy any merchandize in the franchise, being in absence of the folks of the franchise, they shall have half of the aforesaid merchandize, against the stranger, if they will ask it.

41. Wardship.

Also, if a man or a woman die, and their heir be within age, the mayor shall have the sight of the child, and also of the goods and chattels, rents, and lands ; and by the said mayor and sworn men, the child shall be put to ward, to the most next of his blood, and to whom no heritage may in any wise extend. And also all the said goods and chattels to his said keeper, by indenture made between the mayor and keeper, till the full age of the child ; and that the same part of this

indenture shall be delivered in the comen treasury. And, if so be that he have none of blood living, then the mayor shall take the aforesaid goods to a sufficient man of the said commonalty, for to restore to the child at his full age, in the same manner as it is abovesaid.

42. The Mayor Visitor of the Hospitals.

Also, the mayor shall have the visitation of the hospitals of Saint John, and Saint Bartholomew, of Winchelsea, every year once; and there be in the said hospital brethren and sisters, sometimes more, and sometimes less; and there shall be no brother nor sister taken into the hospitals, but by assent of the mayor and commons aforesaid. And the rules of the hospitals aforesaid shall be read before the mayor, or in time of his visitation, which he shall ask and inquire for, if they be well holden, or not; also if any brother or sister do bear them in such manner, by which they be culpable, or an annoyance to the house. The mayor shall inquire of all the brethren and sisters being there; and if he or she be then thereof annoyant, the mayor shall do him remove, if he will. And the mayor may, by the assent of the sworn men, if he may find in the same comen men or women that be covenantable, who have been in good love and fame all their time, and have neither goods nor chattels whereof to live, the said man or woman shall be sent into the said hospital, to take the sustenance of the said brethren and sisters, without paying any thing to the said hospital.

43. Chusing Brokers.

Also, the mayor and the comen shall chuse common brokers, certain men to keep the weights and measures, as well of the corn as of the cloth, both linen and woollen, the which shall be sent to do right, as well to strangers as freemen.

These writings were compiled by Thomas Hokernam, town-clerk of Winchelsea, A. D. 1557.

FREEDOM.

There is no mention made in the Customal, by what means a person might obtain his freedom of the town and port of Dover; but, if we may judge from the present practice, they were the same as at the other Cinque Ports.

In the year 1736, Mr. Henry Moore brought a writ of mandamus, to require the mayor, the jurats, and the commonalty of the town and port of Hastings, to admit him into the place and office of a freeman, born within the town and port, after the admission and swearing of his father. This cause, which was heard before Lord Hardwick, was determined by the evidence of the Customal of Hastings, and the pleadings may be seen in the State Trials, and in Strange's Reports, 1070; where it will appear, that the Chief Judge thought Moore's claim a just one, and the jury gave their verdict for his admission, on paying a sum of six shillings and eight-pence, which was deemed reasonable.

Some time after this cause was determined, a person claimed the freedom of Seaford under the same Customal, and he obtained a rule of court for the magistrates to produce it; but when it was sent for, *it was not to be found*. The most probable conjecture is, that it had been destroyed, to prevent any future claims; but the most material part relative to the freedom is still preserved, in the report of the contest with Mr. Moore; and copies of the Customals of Rye and Winchelsea are yet remaining, to shew the ancient constitution of the ports.

EXPLANATION

Of some of the obsolete Words and Phrases used in the Customals.

Dover.

1. *Muniments*—Their charter, seals, and records.

2. *Shall charge*—shall swear.

3. *No jurat shall be in the election*.—As the freemen nominated the persons out of their own body to be put in election for chief magistrate, they would not suffer a jurat, whom they considered as taking an active part in the administration of justice, to be a candidate for the chair. The mayor's being an annual office, the jurats were consequently the same; for he could not give power any longer than he possessed it himself; which was, until the new mayor was sworn in: therefore they could not, by the Customal of Dover, be in the nomination.

4. *The common house*—the common assembly. *Shall not execute him*—shall not swear him.

5. *The mayor refusing to be sworn*.—The punishment shews the antiquity of the Customals.

7. *Shall do sound the common horn*—shall cause it to be sounded.

10. *Out-taking certain points*—omitting certain pleas determinable by the Lord Warden in his court at Shepway. *Shall do make the common assembly*—shall assemble the freemen.

12. *Summons a countie*.—This, in the jurisdiction of the Cinque Ports, was the same as summoning a hundred court, where all the males, above fourteen years of age, were required to attend. The Anglo-Saxons sometimes summoned a whole county, as in the case of Odo, Bishop of Baieux, and Gundulph, Bishop of Rochester. One of their judicial proceedings was,

that in trying a man for a supposed crime, he might be acquitted, if a certain number of persons of credit would appear in court, and swear that they believed him not guilty. It was by this method that Odo gained his cause in a full county court; but afterwards lost it by the Bishop of Rochester's proving perjury. *To pursue*—to prosecute. *Shall do them read*—cause their names to be called. *Come to do the pursuit*—come to prosecute.

26. *Shall do them come*—shall cause them to come. *From the first foundation of Dover*—from the time of their enfranchisement, in the reign of Edward the Confessor.

27. *Do him villany*—do him violence.

29. *Pledges*—securities to appear in court, and abide the law. *To come an inquest*—to summon a jury.

30. *Maine*—signifies all of corporal hurt, by which a person loses the use of any of his members, which might be of use to him, in defending himself against his enemy. *Hamsoken*—entering a house against the peace of the King.

31. *After the goodness of the deed*—according to the goodness of the deed. *Pledge and Gage*—goods and chattels, or any thing deposited as a pawn, to secure the creditor's demand if he proves his debt.

33. *In foreign*—in places not within the jurisdiction of the Cinque Ports.

Romney.

When this Customal was delivered into the officer at Dover Castle, in the year 1317, they

were without a mayor at Romney; and the town was governed by twelve sworn men, annually chosen by the freemen.

1. *After serment*—after being sworn.

3. *In playn court*—in a full hundred court, in which all the males, above fourteen years of age, were summoned to appear. This was giving a person an opportunity of selecting his compurgators in court; and the magistrates could observe, at the same time, whether they were disposed to do what was right.

4. *Serment made to the comen*—the oath made to the freemen assembled in the common hall. *Shall make agree to him*—shall make an agreement with him.

6. *Either else*—or else. *To present*—to prosecute. *Of his own purveyance*—of his own selecting.

7. *Shall do cry of the King*—shall make proclamation in his name.

9. *Other*—or.

14. *He profer borgh*—borhs, or sureties, to plead to an accusation, to abide the decision of the court. But this was not the most curious part of the Saxon borh; for every man was obliged to belong to some decennary,* or franchise, and to have borh for his good behaviour, or he was considered as an outcast. *Wædd*, (*wed*) the same as wadia, wadium, and wadmonia.—They signify a pledge, a gage, or pawn; or a mortgage taken as a security.

26. *He be let*—prevented.

27. *Menased*—threatened.

28. *Defoyle his law*—fail in proof, by some

of his borhs with-drawing their hands, when they were about to swear.

36. *Unless he be in the absence of the jurors, or the bailiff*—if the jurors, or the bailiff, cannot attend.

Ryc.

5. *Shall do their common bell to be rung*—shall cause their common bell to be rung.

12. *Shall do the county*—shall summon a hundred court.

14. *Shall do him to be hanged*—cause him to be hanged.

15. *Reserved*—except.

16. *Must to his appeal*—answer to his appeal.

18. *Shall do to be proclaimed*—cause to be proclaimed.

28. *Incontinently*—immediately, without deliberation.

41. *Fere*, has sometimes been written *wæice*, and *wæice*; also *wæiffe*, and *wæife*.—It signifies, according to the Civilians, *habere pro derelicto*, to be left by the law. The word was applied to the situation of a woman, who was anciently considered as not belonging to any decennary, and not having sworn allegiance to the King. She was not reckoned to be in the law, nor did she forfeit her lands. If she was brought into court, she might ask *were* of her lands, for they were not forfeited to the King by the law.

Winchelsea.

5. *To be at the law*—to appear at the hundred court.

38. *Or else*—unless.

* Decennary—from *decennarii*—signifying such as were wont to have the oversight of the Friburghs, or views of Frank-pledge, for the maintenance of the King's peace; and the limits or compass of their jurisdiction was called *decenna*, because it commonly consisted of ten households.

Jacob's Law Dictionary.

THE END.

and wardens, which is clear proof that the land was given, but why his name did not appear in the terrier is now unknown.

In the year 1685, there were two cottages, near Cow-gate, which had been suffered to go to decay, and the materials were sold.

Mr. Buck, mayor, and the wardens of the alms-house, in 1693, sold the lands to Monins and Kennett, for three pounds. These were the tenements held by Brounger.

In the year 1607, the corporation borrowed of the alms-house fund fifty pounds, and mortgaged the town-house for the security of the money. They paid interest at the rate of five pounds for an hundred; and, in 1755, it was reduced to four pounds.

In the year 1758, they borrowed one hundred pounds more; and they still appear to be indebted to the charity for the above sums, and for which they have regularly charged themselves with the interest in passing the accounts.

The state of the charity at Michaelmas, 1812, the number of fields, the quantity of land, where situated, the rents, and other particulars, are as follow:

Parishes.		Acres.	Tenants.	Rents.
At Tilmanstone,	3 fields,	11 0 7	Rev. C. Baker,	£ 10 0 0
Hougham,	3 ditto,	7 0 31	Thomas Pepper,	21 10 0
	1 ditto,	1 1 7	Thomas Rutley,	5 2 0
Charlton Bottom,	1 ditto,	5 1 27	William Collins,	21 0 0
Paul's Corner,	1 ditto,	2 0 12	J. Shipdem, & others,	51 1 0
Upwall,	1 ditto,	0 2 21	Thomas Gorely,	12 0 0
Saint James's, a piece of land,			Thomas Gillbee,	0 15 0
A cellar, near the alms-house,			Parker Smithett,	2 0 0
Annuity on a house in Biggin Street,			Ex. of K. Collins,	1 0 0
Four tenements, in the occupation of			Hopper, and others,	4 0 0
The annual interest received of the chamberlain on £150,				6 0 0
The annual interest arising from £900, in the 5 per cent. stock,				40 10 0

£ 174 18 0

From this statement it appears, that the alms-house has now an annual income of upwards of one hundred and seventy pounds; and that this sum has been funded, instead of being applied to charitable purposes.

It further appears, that for the first fifty years, from the year 1629, the objects which had been relieved were of every description. They were not only soldiers and sailors, and their wives, but foreigners of various nations; persons who had been taken prisoners, sick men and women, and their children; cripples; boys, with their hands perished with the frost; melancholy persons, and persons with the small pox; and when it was judged imprudent to take them into the house, they were provided for as out pensioners. If they died, they were buried at the expence of the fund; and those who were fit to proceed on their journey, and did not like to quit the town, were sent as far as Buckland. These early accounts seem to point out the objects for whom these charities were intended, and to whom they were given for many years; and they also shew, what kind of persons ought now to obtain relief from the fund.

When houses of this description were first adopted for the reception of distressed objects, parochial assessments for their relief were unknown; and, after the suppression of the religious houses, without some asylum for the reception of paupers, they must have perished, when sick and infirm, and exposed to the inclemency of the seasons.

It is certainly very probable, that these charitable donations were originally applied to assist parochial, as well as other poor, when the fund would admit of it, and that the funding system was not introduced, until after rates for the relief of the poor were established by law. When statutes were passed, to prevent paupers from leaving their parishes, soldiers, sailors, and persons who had been taken prisoners, were the only poor who wandered about the country, and they were sent by passes to their different homes.

The ROMAN FORTRESS in DOVER CASTLE.

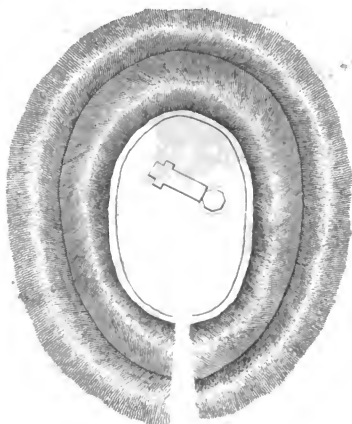




Plate 2.

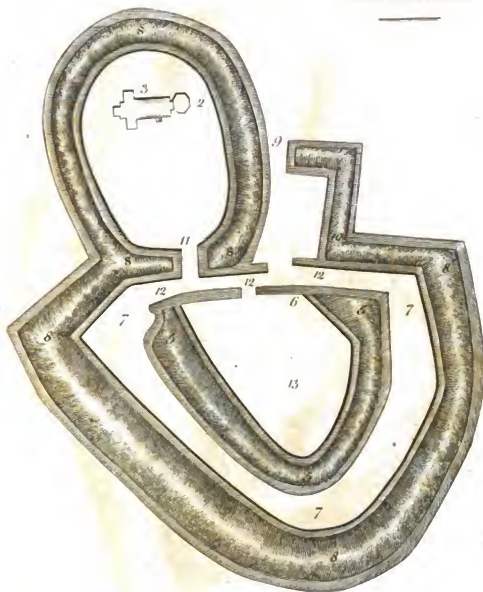
The Remains of the ancient Church and the Norman Towers in Lower Castle.

Published according to Act of Parliament by John Lewis 1848

*DOM^{us} ROBERTUS DE ASTONE Miles
Constabularius Castrⁱ Dorov^{ie}
Sepulch^{us} in Ecclesia.*

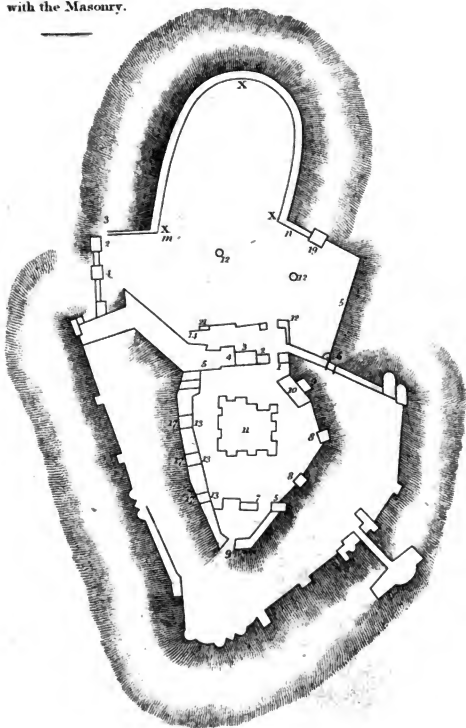


The ROMAN and SAXON
FORTIFICATION.



ROMAN and SAXON FORTIFICATION.

with the Masonry.



The FIRST FLOOR of the KEEP in DOVER CASTLE.

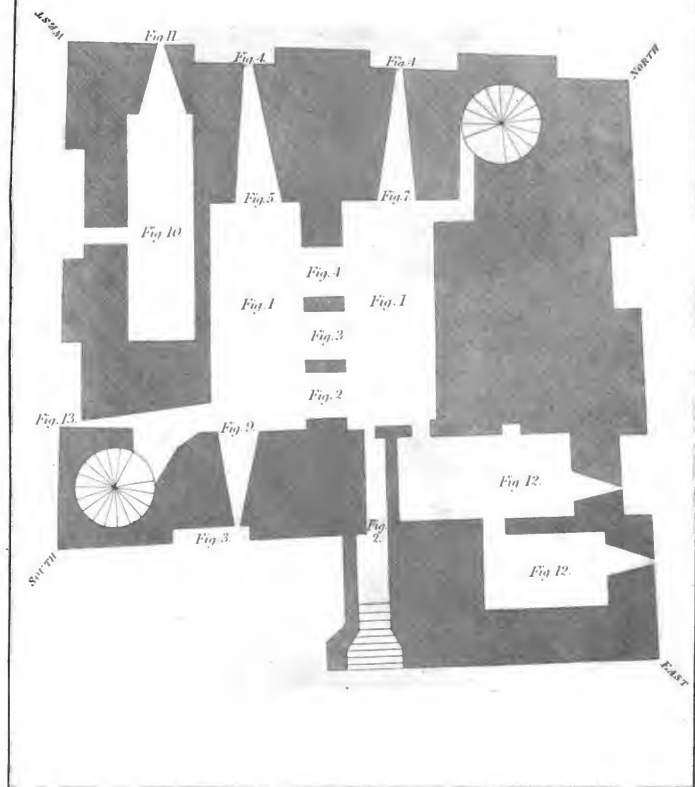


Fig. 1.



Section of a Window in the Keep on the Ground Floor:

Fig. 2.



Fig. 1.

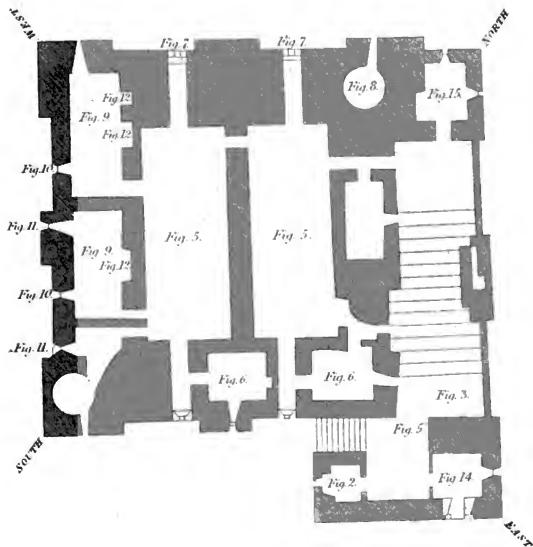


Section of a Window in the Keep on the Ground Floor:

Fig. 2.



The SECOND FLOOR of the KEEP in DOVER CASTLE.



WILLIAM DE SLY
BARON DE MAMIGNOT.
Constable of Dover Castle.



Fig. 1.



Section of a Window in the Keep on the Ground Floor:

Fig. 2.



The SECOND FLOOR of the KEEP in DOVER CASTLE.



*WILLIAM DE SAIY
BARON DE MIMIGNOT,
Constable of Dover Castle.*



1

